1990

Sunday evening in the park

Harry Neal
San Jose State University

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San Jose State University, 1990

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SUNDAY EVENING IN THE PARK

A Thesis

Presented to

**The Faculty of the Department of Theatre Arts
San Jose State University**

In partial Fulfillment

of the Requirements for the Degree

Master of Arts

By

Harry Neal

May, 1990

APPROVED FOR THE DEPARTMENT OF THEATRE ARTS

Prof. Nils Peterson

Dr. John Pollock

Dr. Karl Toepfer

APPROVED FOR THE UNIVERSITY

Dr. Lou Lewandowski

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ABSTRACT

Sunday Evening in the Park

by Harry Neal

The writing of this thesis fulfilled a dual purpose: the primary goal was to transform the story of an historical event, the Hart kidnapping, into a play; the secondary aim was to analyze the way in which setting provides structure in historical drama and to apply this understanding to the play. Accordingly, the research involved an examination of the event, reading contemporary news material and interviewing people who participated in or observed the event, as well as the examination of a selection of important, representative historical dramas, analyzing the relationship of setting to structure. While research into the event is counterproductive beyond the point where facts become limiting, the information does provide veracity, believability. Analysis of the plays revealed the importance of setting, both as a means of providing structure and as a tool for discovering an author's intention.

ACKNOWLEDGMENTS

To the people who told me the story.

For Melissa and Mickey, without whose help this would not have been possible.

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PART ONE

Setting as Form in Historical Drama

Setting as Form in Historical Drama

Historical drama begins with source materials, books, transcripts, newspapers, interviews and other contemporary records coming from historical events. The use of such material lends veracity to and ensures that the story, like a myth, will be common knowledge for at least part of the audience, subconscious knowledge perhaps, but a key to involving them in the drama. The use of historical accounts and records is here the main criterion for determining whether a piece is historical drama or not, yet history is always uncertainly and incompletely recorded.¹ All history plays are fictional since the material has, at the very least, been consciously ordered, shaped into a dramatic form. Historical drama is never autotelic; the story chosen, the characters featured, the plot, the action, the images, the very language and structure within which all the other elements are contained are themselves instructive. The intent may be to condemn a series of actions or to present a positive example, but there seems always a desire that the lesson in the events not be forgotten. The manner of shaping, the way the writer structures the event, can reveal his intent.

Given an event, one of the first and most important decisions the playwright must make revolves around setting. Setting defines place and often peripheral elements of place such as furnishing atmosphere or individual roles within that place. Positive or negative connotations associated with the place or location can influence our expectations; for example, we would expect to see different behavior in a bar than in a church. Furthermore, setting can be indicative of a host of character indices including social status, wealth, customs, beliefs, habits or working conditions. An exclusive men's club would establish an arena where a certain

homogeneity of status, ideology and behavior could be expected, and it would be far different from what one would look for in a poorhouse. Once decided upon, the setting is established either through side text, sometimes only a place name, sometimes a complete description of the setting, or through descriptive clues embedded in the main or spoken text. In either case, establishment of the setting directs and limits and focuses the events taking place within that arena. Setting is at once content and form as elements that comprise the setting work to frame dramatic events; either the actions conform to the setting or are contrary to those that could be expected. The number of different settings used is also important.

In a closed form, elements contrary to the order established or reinforced by setting exist or are introduced, and these elements, the differences between them, create conflict. In an open form, the events of one setting, juxtaposed with events of other settings make differences apparent, even without direct conflict. These terms, *closed* and *open*, are not fixed definitions but operate as poles on a scale, plays of a single setting found at the closed end and plays with more settings located toward the open end.² Although the use of setting to define form can only provide a partial analysis of a play, the location of a given play on this scale can also suggest an approach to its content. The closed form has a narrower range; it deals most commonly with individual psychology or the individual in relation to society, with a conflict between individuals or with a related series of actions. The open form is more expansive; it deals with epic events, with events as they influence individual actions, with complex ideas and group psychology. In the open form, characters are less agents than victims; they are shown against the backdrop of circumstance which plays the leading role. Meaning in the closed form tends to come from the end

result, the marriage in a comedy, the death in a tragedy, while in the open form, meaning is established through the events themselves, the revelations these events hold about us as a people, about society in general. While history plays tend toward an open form, form alone does not define a history play.

In this paper I will examine how setting provides form in four plays: Georg Buechner's *Danton's Death*, Gerhardt Hauptmann's *The Weavers*, Arthur Miller's *The Crucible*, and Emily Mann's *Execution of Justice*. The goal of establishing some kind of dramatic range or scale, a gauge of drama against history, guided my choices.³ These four plays span the last one hundred and fifty years of theatre, and represent several different theatrical styles. *Danton's Death* (1835), a romantic drama, has been called a precursor to expressionism; *The Weavers* (1892) is an example of scientific naturalism; *The Crucible* (1952) is realistic drama; and *Execution of Justice* (1986) is a docudrama with elements of epic theatre. In each period, as theatrical conventions posited a different emphasis on setting, the descriptions and explanations of the settings employed varied enormously. But the influence of contemporary convention aside, the question remains, how did the authors use setting to create structure?

Setting in *Danton's Death*

Danton's Death has a very loose and open form, a mosaic of scenes that are at times quite short, but it is not shapeless. The scene descriptions themselves can illustrate this point:

Act I	scene i	A drawing room
	scene ii	A street
	scene iii	Jacobin Club
	scene iv	A street
	scene v	A room
Act II	scene vi	A room
	scene i	A room
	scene ii	A promenade
	scene iii	A room
	scene iv	An open field
	scene v	A room--night
Act III	scene vi	Street in front of Danton's house
	scene vii	The National Convention
	scene i	The Luxembourg. A room with prisoners
	scene ii	A room
	scene iii	The Conciergerie. A corridor
	scene iv	The Revolutionary Tribunal
	scene v	The Luxembourg. A cell
	scene vi	The Committee of Public Safety
	scene vii	The Conciergerie
	scene viii	A room
Act IV	scene ix	The Revolutionary Tribunal
	scene x	A square in front of the Palace of Justice
	scene i	A room
	scene ii	A street
	scene iii	The Conciergerie
	scene iv	The square in front of the Conciergerie
	scene v	The Conciergerie
	scene vi	A room
	scene vii	Place de la Revolution
	scene viii	A street
	scene ix	Place de la Revolution

In the first act, the scene set in the Jacobin Club is bracketed by scenes set in streets and rooms. The generic nature of the terms "a street" or "a room" denies specific significance; these settings could be any place, and encompass any character. As such they function as neutral ground and provide a setting for different points of view, ideas without limits, curbs or focus. Whatever is said in these settings is used to emphasize, through harmony or disharmony, the limited, focused ideas expressed in the one specific first act setting, the Jacobin Club. The Jacobins, a radical political group that controlled the National Convention during the Reign of Terror, and the ideas expressed in the setting they control are thus the

focus of Act I. The settings provide both a forum for the introduction of the conflict and an illustration of the groups in conflict.

Scenes in the second act move from general settings to specific locations. The alternation between "room," "promenade" (the passage of characters in a street), "room," "a field," "room," "street" (in front of Danton's house) and the "National Convention," creates a sense of movement, a movement that specifically includes Danton and terminates at the convention. The shifts back and forth from settings, rooms, that are fixed and closed, to settings that require (promenade) or permit (streets) movement, establish a dichotomy of freedom and confinement. This is emphasized through the few additions to the general scene descriptions: "an open field," "a room--night." The freedom is surrendered or lost and the confinement is dark.

The first scene description in the third act, "The Luxembourg. A room with prisoners" finishes the movement and direction of the second act. The rest of the settings in this act, the bulk of which are specific, suggest the closure of ideological arenas; there are only two scenes, "a room," that are ostensibly private settings. All the other settings but for the last are areas of control: the place name, "the Luxembourg," is followed by "a room with prisoners" or "a cell," marking the transformation of the palace into a prison; "the Conciergerie" is the prison attached to the Palace of Justice; and "the Revolutionary Tribunal" and "the Committee for Public Safety" are locations where men's fates are decided, a setting for the pressing of charges, for debate and for sentencing. The movement in Act II, back and forth between areas of space and confinement no longer exists--the movement is now from area of confinement, to area of confinement. The last scene in Act III, the

"square [box] in front of the Palace of Justice," is an open setting, but the proximity to the Palace/Conciergerie reduces its range of action to a place where crowds gather to influence or to hear a decision.

The fourth act, like the first, is balanced, focused on the events that transpire in "the Conciergerie," and "the Square in front of the Conciergerie," but after these scenes, the general, "room," "street," frame is split with the "Place de la Revolution," the setting for execution. The prison setting, the Conciergerie, controls the act and presumably the frame scenes explore the effects of the events in the controlled setting upon the more open, general settings. Insertion of the scenes set in the arena for execution suggests the importance the events there will have on life outside the controlled settings. Here too, Buechner felt the need to be more explicit about his settings. In the first three acts, only two scenes, the opening scene and the first use of the Conciergerie setting, had more description than a place name and the names of characters present. In the fourth act, the three scenes set in or by the Conciergerie, and both scenes set in the Place de la Revolution have amended descriptions. While the amendments are not substantial, their inclusion is significant. In the Conciergerie settings, the additions--

scene iii	Lacroix, Herault-Sechelles on one bed, Danton and Camille on another.
scene iv	A Jailer. Two Carters with their carts. Women.
scene v	Danton at a window which looks into the adjoining room. Camille, Philippeau, Lacroix, Herault-Sechelles

the beds, the carts, the adjoining room, figuratively or metaphorically suggest death, shifting the focus slightly from the present confinement to an abstract consideration

of the future, the meaning of death. This becomes clearer in the setting descriptions for the Place de la Revolution:

scene vii	The carts are driven on and stop in front of the guillotine. Men and women sing and dance the Carmagnole. The Prisoners begin singing the Marseillaise.
scene ix	Two Executioners busy with the guillotine.

The celebration (through the dancers) of death, the meaning of death (national fervor, the "Marseillaise") and the machinery of death (the guillotine) are controlled through the setting; death then is controlled.

Although the settings used in *Danton's Death* create an almost classic Freytag structure, the first three acts corresponding to introduction, rising movement and climax, the last act representing both the resolution and catastrophe, the large number of scenes, the various settings, work to establish a structure that is open, large enough for Buechner's philosophical approach to history and the meaning of life. This structure does more than present the causes and effects of the story; it invites one to look for meaning. Buechner is using this key event in the disintegration of the French Revolution to examine the nature of freedom, of liberty and of death. The relative lack of setting descriptions, the paucity of embedded clues to reveal the nature of the settings, both of these suggest his absorption with the characters, and he uses the settings as places wherein the truth about his characters can be revealed.

Setting in *The Weavers*

There are fewer, far more defined settings in *The Weavers* than in *Danton's Death*, yet Hauptmann manages to retain an open form through the range of

locations he employs. Each of the five acts takes place in a single setting, and the five settings portray all the levels of the weaver's community, from the manufacturer's mansion to the weaver's huts. Hauptmann develops a setting to illustrate the life within it, then moves to another setting, establishing a contrast between them. Hauptmann emphasizes the characters within setting through the set descriptions, handling numbers of characters as a kind of furnishing, an almost inanimate aspect of place. In the progression from one setting to another and in their disparate elements, one can see Hauptmann's intentions.

Hauptmann devotes over half of the description of the first act setting to the people in the setting, to the weavers, but he begins by describing the place. The first act takes place in a "spacious whitewashed room in Dreissiger's house." Dreissiger is a cotton manufacturer, and this room is where the "weavers must deliver their finished webs," and in the normal course of events, the only room in his house they would see. The furnishings are sparse in this work room, "uncurtained windows," "wooden stands for cotton," a "glass door in the back" and in the right wall, a bench and a "large table on which the weavers lay their webs for inspection." The atmosphere is brusque, focused on business; the cloth they bring in is inspected "with the use of dividers and a magnifying glass" and then laid on a scale, "where an apprentice tests its weight." This is a place where standards are decreed and enforced and the machinery, both real and symbolic, for enforcing standards is visible. The pressure of the standards, the requirements the weavers must comply with, and the effects of that pressure are obvious.

The weavers crowd the room and, behind the glass door, can be "seen jammed together, shoulder to shoulder" (4). They are shown to be subservient in this area of control, through the language used to describe them: the men are "flat-chested, coughing creatures," "half-dwarf, half-schoolmaster," "crushed, like beggars," "tortured and anxious," "stark, irresolute," with "ashen gray," "gnawing, brooding faces;" the women are "broken, harried, worn out," with "pale waxen complexions, delicate figures, large protruding melancholy eyes." Hauptmann notes that "they are used to making themselves as inconspicuous as possible," but they, this mass of nameless individuals, are the focus of this setting. Descriptions of the men over them aside from their roles, their business, are not included; they are though named in the course of the setting description, identified as separate entities apart from the mass of weavers.

In the second act, with the description of a "small room in the cottage" of an old weaver, we see that in the weaver's world, even the utilitarian work room of act one is luxurious. The setting is what one would expect after the description of the weavers: it measures "less than six feet from the dilapidated floor to the smoke-blackened rafters," with window openings, "partly pasted over with paper and partly filled with straw." There is no glass in the windows or doors in this room. The "warm glow" of the setting sun, "the weak, rosy light" that manages to penetrate the hovel illuminates the people within and the squalor of their life. The room is filled with "old worthless rubbish" and "the noise of the looms." The setting is described in pathetic detail just as the weavers were in the first act setting, but here, the weavers are identified and described as individuals. For example, "Mother Baumert" is described as "a crippled old woman," and her son

August is "an idiot with small body and head and long spiderlike limbs." Hauptmann moves from the general in act one, to the specific in act two; we are left to infer that there is nothing especially bad here, that these living conditions are no different from those suffered by others in their class, that these grotesque characters are representative of the nameless mass of weavers.

In the third act, Hauptmann moves to a neutral setting, "the tap room in the principal tavern in Peterswaldau," a middle ground where presumably agents who figure in both strata, the upper and lower classes, could interact. As is typical with naturalistic settings, it is described in great detail, a large comfortably furnished, relatively prosperous tavern, with all the necessary accouterments: tables, benches, "barrels and brewing utensils," a cupboard behind the bar with "rows of liquor bottles," even "a number of cane chairs" and "a grandfather's clock." There is a hint of frugality in the mismatched but serviceable furniture probably accumulated over the years, which also suggests a broad range of customers. The people described in this setting are palpably middle-class: the innkeeper, Welzel, his wife and his daughter, Anna; the local carpenter, Wiegand; and a traveling salesman. These people, dressed fashionably like the salesman, or in work clothes like the carpenter, exhibit a microcosm of the society in which the weavers represent the bottom rung.

The apex of society is presented through the setting of the fourth act, the "living room in the house of the cotton manufacturer, Dreissiger." This "luxuriously furnished" room, decorated in the "cold style" of the 1800s, with its white "ceiling, stove and doors," "cold grayish blue" wallpaper, "cherry-red damask" drapery and "filled with red upholstered mahogany furniture," "richly

decorated and carved," is an obscene display of wealth when compared with the unrelieved squalor of the second act setting. The details of the layout and the matched furnishings of the room suggest an excess of wealth, a setting so rich as to be devoid of warmth or comfort. Hauptmann makes this point explicitly later in the setting description, remarking that the drawing room, visible through a double door in the back, is "also overloaded with uncomfortable, showy furnishings." "Pictures reflecting poor taste" hang near a mirror in a "heavily gilded rococo frame"; the assumption is that the mirror also reflects a lack of judgment, and that the people who look into it are blind to their problems.

In the last act, the setting is again a weaver's room. It is poorer, if that is possible, than the room described in act two; a "very low, narrow room," it is jammed with weaving, spinning and winding equipment. "The plaster is crumbling," a "dilapidated wooden stairs leads to the attic," and "shabby bits of laundry" and "all sorts of rubbish are strewn about the room." The weavers placed in this setting are as pathetic as those of the second act; Old Hilse, an ex-soldier who has lost one arm; "his old, blind, and almost deaf wife;" and some neighbors. The chasm between this and the preceding setting emphasizes the conflict between the classes that is the focus of the play.

The progression from setting to setting, act to act, while not as revealing of itself as the Buechnerian montage, discloses the causes of and necessity for a societal change. In this play, the opening setting introduces a problem, the poverty of the weavers, which is further examined in the second act setting. The neutral setting of the third act presents a mean that is also an ideal, a common level; the fourth act setting lays bare the cause of the problem. Returning to a

different, even poorer weaver's room in the last act suggests that there will be no amelioration, that the problem can not or will not be solved. Through the variety of different yet specific settings, necessitating an equal or greater variety of characters, one dimensional as they may be, Hauptmann moves past a piece of mere propaganda. Although the settings he employs expose his obvious bias, the range is broad enough to show the whole environment; the difficulty in moving characters from one to another, quite dissimilar settings, ensures an open loose form, a spectacle exposing a state of being, as much as a call for change.

Setting in the *The Crucible*

In Arthur Miller's play, *The Crucible*, the settings encompass only one level of society, narrowing the focus and range of meaning to an even greater extent. In fact, this play is dramatic at the expense of the broader scope of history; Miller uses the event as a means of examining a man, John Proctor, facing the difference between his (and his society's) ideals, and his actions. In the web of events affected by one person, in the example of his character, and those in conflict with him, Miller has constructed a paradigm for understanding the Salem witch hunts, as well as a political allegory. The problem with this closed down aperture is that the events influencing character action are out of focus and become distorted, something which Miller, cropping his picture for tragedy, ignores. This orientation is suggested in the name, *The Crucible*, as it is not the vessel but the alloy, not the cross but the man on it, that we are interested in. An examination of the structure as organized by the settings is also instructive of the author's intentions.

With the "upper bedroom" setting of the first act "(an overture)," Miller opens the play in a private area. After he further specifies that this is the house of Reverend Parris, in "Salem, Massachusetts, in the spring, 1692," he goes on to describe a room that, considering the frontier times, seems quite comfortable. "Morning sunlight" is streaming through the "leaded panes" of the window; apart from the bed, the room is furnished with "a chest, a chair." Although the color of the exposed rafters is "raw and unmellowed," the "air of clean sparseness" hints at an idyllic space. The attractiveness of the setting is somewhat offset by the two figures in the room: the daughter, "lying on the bed, inert," and her father, the reverend, kneeling next to the bed, "evidently in prayer." We can assume that the play somehow revolves around this tableau, an illness, the prayer invoking the Lord's help in her recovery.

The second act moves to a "common room" in John Proctor's house, "eight days later," the much less appealing "low, dark, and rather long livingroom of the times." A woman can be heard singing to children, but otherwise the room is empty until Proctor comes in carrying a gun, a reminder of the times, that some kind of danger exists. The domestic business that follows, tasting the stew cooking on the fire, his being "not quite pleased," adding some salt and then swinging the pot into the fireplace upon the sound of his wife's approach, all this sets the scene for a disclosure of some domestic altercation. He isn't pleased, but can not openly admit it, nor even be seen altering something that she has the right to take care of. His last action before the dialogue begins is to wash "his hands and face"; he is clean. In this everyday business, there is no sense that the problem introduced in the first act has any connection here.

When we come to the third act, set in "the ante-room of the General Court," the progression from place to place (which will terminate in the act four jail setting) becomes more ominous. This ante-room is in reality the "vestry room of the Salem meeting house," the place where the religious leaders make decisions about the congregation, which recalls the act of prayer that began the play. Religion is here connected to both the problem and the solution. While the furnishings, "table," "benches," "stools," "armchair" are ordinary, and while there is "sunlight pouring through two high windows," the room is described as "solemn, even forbidding." This may be partly due to the "heavy beams" that "jut out," the heavy, ominous burden the building bears, and partly due to the regular purpose of the room. At the beginning of the act, the room is empty and the audience overhears, like an eavesdropper, the progress of the court, a physical metaphor for the hidden workings of the court.

The play comes to an end in the next setting, "a cell in Salem jail." The "high barred window" and the "great heavy door" are enough to identify the place; the mood is established through lighting, "darkness but for the moonlight seeping through the bars." The cell "appears empty" until a half-drunk stumbling sheriff comes in to remove the two women sleeping under their piles of rags. The representative of the law is made to look inept, but perhaps this is no more than low relief. That this setting, like those for acts two and three, begins as if empty is significant--it suggests there is something apart from these places, spirit belief or knowledge that can not be bound. Yet the setting alone can not inform us. The straight-line progression in the last three acts, from home to court to jail, locates and defines the action, but the settings can not tell us why things happen. In

fact, the single character focus makes the choice of setting seem arbitrary at times, a tenuous bond between form and content, a weakness in the play's structure.

Setting in *Execution of Justice*

Buechner uses some fifteen different locations, Hauptmann employs five, quite detailed settings, and Miller works with four, less defined places, the reduction in settings each time signifying a narrower range of material, a more closed form. But Mann, ostensibly bound to a single setting, manages to create a very loose form, capable of handling and developing several different points of view, capable of treating the events and the emotions they aroused, in some detail. Mann uses a presentational style similar to that of Brecht's epic theatre, but without its typical movement from place to place, scene to scene. Although the play is set in a courtroom, the setting is redefined through the use of sound and light, expanded through the use of video, and negated through interruptions, breaks in the scene that originate in some undefined location.

The primary setting is established through dialogue, "Clerk This is the matter of the People versus Daniel James White"; through sound cues, "Amplified gavel"; through screen titles, "JURY SELECTION"; and through other subsidiary text directions like "Court setting up. TV lights." The sound cues, the action directions, and the screen titles all reinforce and help propel dialogue and actions immediately recognizable as courtroom procedure. In this setting, the audience is involved; the evidence is presented to them, as if to the jury. There is also a built-in structure that accompanies the courtroom setting: argument, evidence, argument,

decision; sentence. Another element though that the courtroom brings into play is the creation of imaginary settings through the recounting of parts of the testimony or actions in the crime. The shooting of the mayor, Dan White's entrance into City Hall, his conversations on that day with aides, secretaries or police, all these are reenacted, metatheatrical language that establishes a setting within the setting.

Even before the audience is fully introduced to this primary setting, it is exposed to another setting, that of the church, defined through sound and lighting cues:

ON SCREEN: A CHURCH WINDOW
FADES UP.

A SHAFT OF LIGHT.
DAN WHITE PRAYS.

ON AUDIO: HYPERREAL SOUNDS OF MUMBLED HAIL MARYS.

One later learns that this setting represents a church where Dan White met his wife after shooting the mayor and Harvey Milk; this significance of setting is compounded through the ideological agon that is the focus of the play, the conflict between right and wrong, the struggle in defining those terms. The church represents a conservative morality, an important part of the psychological profile of the police in conflict with the homosexual population. This setting is evoked several times in different ways, a slide of a "stain glass window," the sound of "mumbled Hail Marys," or of a boy's choir singing "Deus Irae," and yet as it signifies a complex association of meanings, it makes no definite statement but remains an element of the event.

Although video, the replaying of a scene from another time and place, introduces another setting (the one in the video) to the audience, this alone can not create setting when the video location is divorced from the action before the

spectators. In *Execution of Justice*, screen and video are used to locate, expand or alter the play's setting. The opening, the screen "images of San Francisco," and the video of Diane Feinstein announcing the shooting, both locates and informs the courtroom setting that follows. The expansion of import, of meaning, is also a physical expansion as the stage setting incorporates the related screen setting. At other times the audience is shown an image or series of images on the screen or video that is then brought into the theatre, transforming the setting; for example, after images of the candle-light march in memory of Harvey Milk are shown, "the entire company enters holding candles." This is later repeated with riot scenes and the entrance of riot police, an alteration, a shift in setting that is not explicitly set forth but unmistakably occurs.

These changes, shifts, alterations in the dominant setting negate its existence, a negation that undermines symbolic meaning attached to the setting. The courtroom represents justice, fairness, an absence of prejudice, an area of control that ensures these things. In the breaks, the interruptions of court business, the imposition of extraneous material, we can see the fragmenting of everything the concept of justice signifies. The bulk of these interruptions come from a group of characters in the cast list called "CHORUS OF UNCALLED WITNESSES," and their testimony originates from an unspecified area which could be anywhere but is in fact the theatre. Early in the play, these interruptions are only occasional, offering a clarifying point, a felt emotion, but toward the end of the play, these "interruptions" become so numerous that the positions of dominant setting/interruption are reversed, with the courtroom business becoming, finally, only an occasional intrusion. This shift, the negation of the

established setting, is a persuasive embodiment of the play's theme, a message transmitted through structure as defined by setting.

In the play that follows, I tried to show the community's mood, how the people felt about the kidnapping, through the choral scenes. I also used the choral scenes to show support for the lynching, which was for me the impetus for writing the play. When people have been put under stress, they tend to lose objectivity; many people spoke in favor of Bernard Goetz's vigilantism in New York probably because they had felt the pressures he had experienced, fear, insecurity, prejudice. The pressures in San Jose in 1931 were intense: the Depression, little or no job security, and a lawless underworld of bootleggers and gamblers. While an average well-to-do citizen might be like Lewis' Babbitt, the bulk of the population was living through hard times. The Hart kidnapping came not so long after the famous Lindbergh kidnap case, so people would have been unforgiving; possibly too they resented the prosperity of the Hart family, and wished for the instant wealth the kidnappers had reached for, making the lynching a form of self repression as well. So the pressures that produced the spirit for the lynching were not so different from those motivating the kidnappers, Holmes and Thurmond. Through the portrayal of the community mind, I wanted to show the kidnappers, in the end, as victims not much different from their own, Brooke Hart.

The presumed intention of the lynchers, justice, is the key concern of the play; many of the settings explore its machinery--the jail, the interrogation, the courtroom--the places justice is supposed to come from. These settings are supplanted by indeterminate scenes of collaboration and barroom scenes which

should suggest the degradation of impartiality, of true justice. The disagreement among the police, the feeling some have that any kind of death for the kidnappers would be right, echoes this tainted concept of justice. The problem, caused by concentrating on the business of laws and justice, a kind of a linear woodenness, that affects several scenes may be as much a matter of language as setting. And the attempt to portray the society, the haves and the have nots and the pressures of inequality, may have weakened, diffused the buildup and release of tension. While these would be valid criticisms, the play exists basically as I intended, an overall view of an event revealing the character of men and the society they create that reflects their values.

Notes

¹While researching *Sunday Evening in the Park*, I spoke with Richard Barrett, a longtime reporter with the *San Jose Mercury*, who told me that the press cooperated with the Treasury department attempt to trap the kidnappers by altering the news printed.

²These terms, *open* and *closed*, were first used in dramatic criticism by Oskar Walzel; Carlson discusses these terms, the related theories and later extensions of them in his book, *Theories of the Theatre* (351, 440 ff).

³In choosing these plays, I passed over others, the inclusion of which might have altered the perceived shift in theatrical conventions. For one example, Hochhuth's play, *The Deputy*, was written about the same time as *The Crucible*, yet it has a form more open than *Danton's Death*. While another writer might have chosen differently, I feel that these plays come as close to representative forms as possible.

Bibliography

- Buechner, Georg. Complete Plays and Prose. Trans. Carl Richard Mueller. Hill and Wang: New York. 1963.
- Carlson, Marvin. Theories of the Theatre. Cornell University Press: Ithaca. 1984.
- Carroll, David. Paraesthetics: Foucault, Lyotard, Derrida. Methuen: New York. 1987.
- Hauptmann, Gerhardt. Three Plays. Trans. Horst Frenz and Miles Waggoner. Ungar: New York. 1977.
- Held, David. Introduction to Critical Theory. University of California Press: Berkeley. 1980.
- George, Kathleen. Rhythm in Drama. University of Pittsburgh Press: Pittsburgh. 1980.
- Mann, Emily. Execution of Justice. Samuel French: New York. 1986.
- Miller, Arthur. The Crucible. Penguin: Middlesex. 1968.
- Styan, J.L. Modern Drama in Theory and Practice. Cambridge University Press: Cambridge. 1981.
- Szondi, Peter. Theory of the Modern Drama. Ed. and Trans. Michael Hays. Polity Press: Cambridge. 1987.

PART TWO

THE PLAY

SUNDAY EVENING IN THE PARK

by

Harry Neal

Harry Neal
124 Yahata Higashi Machi
Okayamashi, Okayama 703
Japan

CAST OF CHARACTERS

Kidnappers

Thomas Thurmond
John (Jack) Holmes

San Jose Law Enforcement

J. N. Black, Chief of Police
William Emig, Santa Clara County Sheriff
Earle G. Hamilton, undersheriff
Howard Buffington, deputy
Felix Conroy, deputy
Jack Dundon, duty sergeant
Louis O'Neal, District Attorney
Belle Gallagher, court stenographer

Special Agents from the Department of Justice (G-Men)

Reed Vetterli
Edward E. Conroy
Harold S. (Bud) Anderson
F. I. Ramsey

The Victim

Brooke Hart

The Bereaved

Alex Hart, father of the victim
Nettie Hart, mother of the victim
Arthur Gossling, the Hart Store general manager
Mrs. Cohn, a friend of the family
Charley O'Brien, a friend of the victim
Gertrude Estenson, Holme's girlfriend
Robert J. Thurmond, Tom's brother
Mrs. Thurmond, Tom's mother

Bystanders

Wesley, a mechanic
Roger Gaskill, Dick Barrett, George Mullard, Charles Mason,
reporters
Anthony Barceloni, a local "resort owner"
Florence, a waitress
Benson, a soldier
Roscoe Estenson, Gertrude's husband
Sylvia Mull, Gertrude's mother
Paula Butler, a neighbor

Townspeople, Newspapermen, Policemen

Prologue

A scene in darkness. HOLMES and THURMOND on the bridge, only just visible, lift a body over a railing and let it fall. We hear a splash. HOLMES and THURMOND leave. Car sounds. We hear another splash and a muffled, choking cry for help.

ACT I

Scene 1

The street in front of the Hart mansion.
A crowd of reporters and townspeople.

REPORTER 1

Story's on the wire coast to coast; more people everyday. Look who's here now. New York Times, Saint Louis Daily, even Mason from the L.A. Examiner.

REPORTER 2

The crown prince of yellow journalism. Who's that?

REPORTER 3

He's with the Seattle Dispatch or Portland Call, one of the northern papers.

PERSON 1

All these buzzards. They make San Jose sound like it's rotten with crime, racketeers and bootleggers.

PERSON 2

It's not right, just mud in our face.

REPORTER 2

There isn't much news for such a big story.

PERSON 3

And them to be dragging out all the dirty linen.

PERSON 4

Bringing up the old Buck murder, the Lamson case like it's an everyday thing.

PERSON 1

We're no worse than any other town.

REPORTER 1

Yeah, only so much background you can develop on a place like this.

REPORTER 3

(Laughs)
That's the truth.

REPORTER 2

What do you mean?

REPORTER 3

Kid was a big player on the dogs and ponies; word is he had some fat tabs he wasn't paying.

REPORTER 1

That kind of talk won't make you any friends around here.

REPORTER 3

Only because his folks are rich. It's a wash, pure and simple, just like the Arbuckle story.

PERSON 4

Well I don't like it. Not at all.

ACT I

Scene 2

Police Station. Hamilton, Buffington, Vetterli, Emig, Black, Anderson. (A conference.)

VETTERLI

Well we have to do something.

EMIG

We are watching the house; we are set up to trace calls.

VETTERLI

Yeah and all we have so far is a hobo who tried the Hart place for a handout, and a bank clerk who walked past a phone the kidnapper had used.

EMIG

It's just a matter of keeping them on the phone a minute longer.

VETTERLI

I say we send Hart out with the ransom, follow him, and snatch the kidnappers then.

EMIG

If anything goes wrong, both he and his son will get killed.

VETTERLI

Telling the press we don't have a clue makes me look like a chump.

EMIG

I don't care about that.

VETTERLI

Well I do. J. Edgar personally assigned me here to run this case.

EMIG

I don't give a damn if God sent you, this is my town, and you're not going to shit all over it.

BLACK

For Christ's sake, boys, calm down.

VETTERLI

Better straighten him out. I'm giving you another 24 hours. That's it. Then I'm going over your head.

(Leaving)

VETTERLI (Cont.)

Come on Chief.

BLACK

You don't need to put him on his hind legs Bill. Could be he's right this time.
(Exit)

HAMILTON

Well?

EMIG

Well, what? You think he's right? All he cares about 's national press.

BUFFINGTON

But if it's the work of that Chicago kidnap gang, national press would be kinda helpful.

EMIG

You really think it's a gang?

HAMILTON

The first ransom note from Sacramento, the second from San Francisco. That's quite a range.

BUFFINGTON

Yeah, they could be holding Brooke anywhere.

EMIG

Sacramento, San Francisco, an hour, or two away, that's all. And every call since the first night has been local.

ANDERSON

Look sheriff. I know Reed isn't easy to like, but he's doing his best. The gang angle means maybe another thirty agents on the case.

EMIG

Yeah, sure.

ACT I

Scene 3

Hart Mansion. Crowd of reporters,
ALEX HART, GOSSLING, BLACK,
VETTERLI.

GOSSLING

My name is Arthur Gossling, general manager of Hart's Department Store. I want to thank all of you and the papers you represent for your cooperation. Mr. Hart will make a statement. He has been under a great deal of strain, so if you could, please direct your questions to Chief Black, Federal Agent Vetterli or myself.

MR. HART

(Enters with BLACK and VETTERLI)

I want to thank you all for your presence here tonight. I hope that with your cooperation we get this message to those who have kidnapped my son. After I read it, Arthur will circulate copies to all of you.

"To the kidnappers of Brooke L. Hart: We have received numerous communications from various persons demanding ransom for the return of our son Brooke. Obviously, not all of these people are acting in good faith. None have produced any proof that they have our boy in custody. We are anxious to negotiate, but we must have evidence that Brooke is being held before we can deal with anyone. We wish to reiterate that all negotiations will be confidential and that no interference will be allowed from any outside source. As you will see, both my wife and I signed this statement."

REPORTER 1

Mr. Hart, you admit here (in statement) you have received "numerous communications," but two days ago you said you hadn't received any ransom messages.

VETTERLI

Do you have a question?

REPORTER 1

Just this, had you received any communications before Tuesday?

ARTHUR

You already know the answer.

HART

No, it's all right, Arthur. Yes, I did receive a few messages, *but* I wasn't convinced any of them were authentic. None produced a shred of evidence.

VETTERLI

I'd like to say something about that. So far we have caught one of these bogus ransomers and we are after another. George LoBono. They thought they were clever but they found out otherwise. As Mr. Hart says, none of these messages look genuine.

REPORTER 4

Any motive yet for this kidnapping?

BLACK

None, whatsoever.

Portrait of a Victim

(In portraits, black and white slides of film alternates with projected text, like a silent movie.)

Brooke Hart (and friends) at a card table, drinking. A large pile of chips and money are in front of him.

"Just deal 'em. Plenty more where that came from."

Brooke Hart. A few chips remain.

"That's a raw deal. Give me a chance to get even is all. Bunch 'a crooks."

Close up of a man's face. A very threatening look.

"You better take your friends home. I expect he had too much to drink."

HART

(After a short pause)

Some of these communications demand that I drive alone to a certain point. Gentlemen, I have never learned to drive a car. I've owned cars since 1913 but I never learned to drive myself. I want you to make this plain. Let me emphasize that I want to play absolutely fair and to do *whatever* is necessary, with no questions asked, to secure Brooke's return. In order to facilitate communication with the kidnappers and show that I'm acting in good faith, I convinced Chief Black to remove the men he has stationed here. Mr. and Mrs. A. B. Cohn, personal friends of Nettie and I, will be answering the phone and opening the door.

REPORTER 4

Isn't that dangerous?

BLACK

I agree that it does pose additional dangers to the Hart family, but Mr. Hart is set on that point. We took this step only reluctantly.

REPORTER 2

Mr. Hart, is it true you hired George Lyle as a private detective to track down your son? He has been pretty busy looking into the case.

HART

I have not even discussed such a proposition with Mr. Lyle. While I greatly respect the former sheriff, I have not engaged him, nor have I authorized anyone else to engage him. He may be attempting to assist me as a friend--I know nothing about that. Furthermore, I have confidence in the men now in charge of the investigation--the department of justice, Sheriff William Emig and Chief of Police Black. I believe they are doing their best.

REPORTER 5

Are there any ransom messages that you are sure of?

VETTERLI

Only the first one, the call that came in the night Brooke was kidnapped. At that time only the kidnappers could have known.

REPORTER 5

Have you been able to track that call?

(At this point, A. B. COHN comes to HART and whispers in his ear.)

HART

If you gentlemen will excuse me.
(Exit)

VETTERLI

We traced it to a San Francisco speakeasy, the Whitecombe Hotel, but unfortunately, no one witnessed the perpetrator.

REPORTER 3

Could you tell us a little more about your other leads--who else tried to promote a ransom?

BLACK

One of them, D.D. Donata, had a resort in Milpitas a few years ago. He was heard to say he was going to "take" Hart for fifty grand last week. Right now he is in a San Francisco jail. He has concrete proof he wasn't involved in the kidnapping, but he'll stand trial for extortion. We are also looking for George LoBono, a known extortionist.

REPORTER 3

What about that?

BLACK

He had six years at Preston Reformatory in 1924. The last we heard, he was in Salinas. We think he might know something about this case.

REPORTER 4

Agent Vetterli, what is the government agency doing?

VETTERLI

Authorities from Los Angeles to Seattie are on the alert for Klutas or any of his gang. I just received a report that three members of his gang were trapped in Illinois, but the rest have been traced to the West Coast.

REPORTER 4

Do you have any proof that the Klutas gang did this kidnap?

VETTERLI

We are continuing to track several leads at the moment. As the known head of a kidnap gang, Klutas is a suspect because of the professional manner with which this operation was engineered.

REPORTER 3

How much longer will this go on?

VETTERLI

We believe a breakthrough is imminent, as agents around the country are making strenuous efforts to bring this case to a successful conclusion.

REPORTER 2

What about the story that young Hart was spotted in a Los Angeles cafe? Could this be a case of amnesia?

BLACK

I have spoken with Joseph Taylor, Los Angeles Detective Chief about it. It may be a case of mistaken identity. We have no further evidence at this point.

REPORTER 2

Well this story is dead.

REPORTER 4

The ransom is the tip-off. Police haven't got a clue.

ACT I

Scene 4

Interrogation Room. A table and a single chair furnish the room; strong, direct artificial light on the single chair. Thurmond is thrown into the chair as the scene begins.

(EMIG, EARLE, ANDERSON, HAMILTON, BUFFINGTON, THURMOND, and CONROY.)

EMIG

We need a recorder, a steno. Earle, see if you can get Belle to come down, she lives on 15th, and Chief Black, where is he?

EARLE

This one of the kidnappers?

ANDERSON

He's at the Hart mansion with Vetterli and the press.

HAMILTON

Yeah, caught him on the telephone.

EMIG

Buffington, Ramsey's at the Hart mansion. Tell him to come down here when he can. Tell Hicks to stay and send him a replacement, someone else might call. Do it on the QT, huh, not a whisper. We'll tell the Chief and Vetterli after they finish with the press.

(BUFFINGTON and EARLE exit.)

ANDERSON

(Stepping up to THURMOND and slapping him)
Where is he?

EMIG

None of that, now.

HAMILTON

This guy isn't worth a dry bean; we need the rest of the gang and Brooke.

EMIG

I don't want him beat up.

ANDERSON

Easy sheriff,
(Holds up his hands)
kid gloves; he won't show a bruise.

EMIG

(He sits)
Empty his pockets. Let's see what he has.

(This is done by CONROY and ANDERSON. They stand him up to check his pockets.)

ANDERSON

On your feet.
(Anderson and Conroy finish removing keys, wallet, change from his pockets.)
Well?

THURMOND

I don't know.

ANDERSON

What were you doing in the phone booth, then?
(Rough)

EMIG

(To ANDERSON)
I said none of that. Keep your hands off him, or get out.

ANDERSON

Sheriff, I'm trying to help you out. He'll cough up.

EMIG

You'll do this my way. That clear? Let him sit down.

ANDERSON

Okay, fine. I'll be outside when you get tired of pussyfooting around.
(Leaves)

EMIG

(Short pause)
I need some answers. I don't like that kind of rough grilling, but I can't stop him unless you help.

THURMOND

I don't know nothing. I told you.

EMIG

Hold on, take it easy. Now, what's your name?

THURMOND

Tom Thurmond.

CONROY

See, that wasn't so hard, was it?

EMIG

I've seen you around town. Where do you live?

THURMOND

In Campbell, Leigh Avenue. 262. How come?

HAMILTON

How come? Who you trying to kid?

CONROY

Come on, you can do better than that.

EMIG

What were you doing in the phone booth Tom?

THURMOND

I was walking by. Uh, this guy came out and ran off. I just looked inside and you grabbed me.

CONROY

Gee, tough luck for you, wasn't it?

(Up close to him)

You little shit! Hart's family, his friends, this whole town is upset and you tell these lame-ass fairytales. Where is he? Where are you hiding him?

THURMOND

Nowhere! I don't know anything. I swear, I don't know. I'd tell you. I wish I did, but I don't know. Honest.

EMIG

(Looking through THURMOND's belongings)

Conroy, calm down.

CONROY

Ah, Sheriff, you know he's lying. Look at him.

HAMILTON

Hold off, Ed.

CONROY

You are making things hard for yourself, pal. You are looking at a short rope.

THURMOND

I didn't do anything.

EMIG

(Whistles)

What do you do for a living?

THURMOND

I drive a fuel oil truck. Least till last month. They, they didn't have enough work.

EMIG

Looks like you didn't need the work. One, two, two hundred and sixty, seventy-three dollars here.

HAMILTON

Get that from the Hart kid?

THURMOND

It's mine, my savings. It's for buying a car.

CONROY

That's bullshit, bull shit! Don't peddle that around here.

EMIG

He's right, Thurmond. It doesn't look good.

THURMOND

Honest to God Sheriff it's the truth. I was looking at the cars in Sabatte's lot. And, and then the phone rang, so . . .

EARLE

(Coming in door)

Sheriff, the court reporter is here. Do you want her to come in? And, uh, Louis is here.

EMIG

(Up and to door)

Not just yet. The phone?

(A nod to ANDERSON at the door)

Just a moment gentlemen.

(ANDERSON enters carrying a phone box and crank as EMIG goes out.)

THURMOND

What's that?

CONROY

What are you smiling about? Huh?

THURMOND

It just happens. I can't help it.

HAMILTON

So what did this "guy" look like?

ANDERSON

This is a special phone box to help you talk. Ticklish? No? Tie him down, legs, shoulders. Just use your belts--yeah get his shirt off.

THURMOND

Ordinary, he looked ordinary. What are you doing?

ANDERSON

(Putting on rubber gloves)

Looking for some answers.

(Takes wires and touches THURMOND)

Where were you November 9th?

THURMOND

Home. I was home.

ANDERSON

Give it a spin.

(CONROY or HAMILTON cranks handle--THURMOND screams, surprised at pain.)

ANDERSON

What about the evening of November 9th?

THURMOND

I don't remember. Please.

(Screams again)

Jeez.

ACT I

Scene 5

Lights down on interrogation room
although screams are heard at intervals.
Lights up on police station on Emig and
all.

LOUIS O'NEAL

Came as soon as I heard, Sheriff. Nice work. Have they said anything?

EMIG

No, not yet. Excuse me a moment. Earle!

EARLE

Yes, sir.

EMIG

(Soft)
Who called him?
(Indicates O'NEAL)

EARLE

No idea.

EMIG

(Louder)
Has Ramsey gotten here yet?

EARLE

Not yet.

EMIG

I want to know the minute he gets in. I'll be in my office.

(To LOUIS)

We have only one suspect now.

LOUIS O'NEAL

Damn fine job Emig, real police work. I didn't know but sure enough, you got your man. Has he said where young Hart is? Where is he now?

EMIG

Thanks. Special agent Anderson is helping with the interrogation. I'd like to give him a few more moments.

(BELLE enters, speaks with deputies.)

LOUIS O'NEAL

I'd like a few minutes with the rat. Is he with the Klutas gang?

EMIG

He hasn't admitted anything yet, but we'll find out soon enough.

LOUIS O'NEAL

You are going to be a real celebrity when the papers come out, toast of the town.

EMIG

We have to keep this out of the papers until we get Brooke. If we are lucky, we'll pull them all in tonight.

LOUIS O'NEAL

Good thinking. The papers go along with the program?

EMIG

Right now most reporters are at the mansion getting some kind of appeal Alex wrote up for the kidnappers. They won't know for a bit and I'd like to keep it that way.

LOUIS O'NEAL

News spreads quick though.

(RAMSEY arrives.)

RAMSEY

Where's the Sheriff?

EARLE

In his office.

EMIG

What took so long?

RAMSEY

Newsmen out at Hart's--didn't want to tip them off. Did you catch him? You caught him, right?

EMIG

Yeah, we got him. Good work.

RAMSEY

Mr. Hart did a hell of a job keeping him on.

EMIG

Come on, Mr. Anderson should have him ready.
(The group crosses station)

EMIG (Cont.)

Belle, I'm sorry but this might be a little rough.

(Stops before door)

I don't want anyone to say a word unless I ask you.

(Enter interrogation)

ANDERSON

Have you ever seen Brooke Hart?

THURMOND

Yeah, I seen him.

ANDERSON

When did you see him last? Where?

THURMOND

Jeez, I don't know, two three weeks ago, maybe, near his store. How should I know?

EMIG

(To RAMSEY)

That the voice on the phone?

RAMSEY

That's one of them anyway.

EMIG

What has been going on here? I told you Hands Off!

ANDERSON

Sorry, Sheriff. The prisoner seems to have a nervous rash--a sign of guilt if you ask me.

EMIG

Has he admitted anything?

CONROY

He still claims he had nothing to do with it.

THURMOND

It's the truth sheriff, so help me God. If they was hiding Brooke Hart someplace I'd tell you.

EMIG

Since the Lindbergh case, kidnap is a death penalty offense, but if you help us, we could urge the judge to show clemency. I know you weren't alone.

THURMOND

I didn't, I never.

EMIG

Agent Ramsey heard *your* voice on the telephone, Tom. It's going to break your mother's heart you being mixed up in this thing. Let me help you. Tell us what you know.

THURMOND

No, not me. I didn't...

RAMSEY

But you said you wrote the letter on the phone.

ANDERSON

Easy or hard. Your choice.

THURMOND

All right, I made a phone call. But I didn't, I wasn't responsible.

EMIG

Who did you make the call for?

THURMOND

I don't know. This guy stopped me, promised me a lot of money.

CONROY

This guy is a dim bulb.

ANDERSON

Do you think we're stupid? Who planned it? Who's in charge. Klutas? Toughy? Who?

THURMOND

(Answering ANDERSON)

No, I don't think you're stupid. Nobody is in charge. Nobody.

HAMILTON

Where is Brooke hidden? Who is guarding him?

ANDERSON

You aren't answering. I want some answers, now.

EMIG

(Soft)

Easy, Anderson.

THURMOND

No one is guarding him. What are you doing? I never wanted this to happen.

HAMILTON

Where is he?

THURMOND

I couldn't help it, it just happened.

EMIG

Where is his body?

THURMOND

(Pause)

In the bay. We dumped him in the, the, Oh God I never, it was a mistake.

(Begins crying)

And now, oh, jeez.

COPS AND INTERROGATION

STAFF, VARIOUSLY

Well, that's over. God, who'll tell Mr. Hart. That is going to just about kill him. What a shame. Jesus, what a mess. It's not so surprising. A bitter pill is a bitter pill. Knowing it doesn't make it sweet.

EMIG

When? Thurmond!

(To get his attention)

Who killed him?

(Black out, THURMOND crying.)

ACT I

Scene 6

Hotel Room. Holmes. Thurmond and police outside. Thurmond knocks on the door, again.

HOLMES

Who is it?

THURMOND

(Nudged by police)
It's Tom.

HOLMES

(Opening the door to let THURMOND slip in)
What took so long? What did he say?

THURMOND

Huh?

HOLMES

About the ransom. What did he say?

THURMOND

They caught me Jack. I've told the cops everything.

HOLMES

(Thinks it's a joke)
The hell you did.
(Now sees THURMOND is serious)
You dummy, what did you do that for--huh? Where are they?

(Police bust in--HOLMES rushes toward window.)

POLICEMAN

Hold it, you're under arrest!

BUFFINGTON

(Draws revolver)
Look out, he has a gun!
(EMIG pushes up his arm. Gun goes off.)
It looked like he was going for a . . .

THURMOND

They made me do it.

EMIG

Search him, handcuff him.

HOLMES

If you think you have anything on me, shoot the works. Go ahead. You ain't got nothing.

EMIG

We'll see. Let's get them to the station.

ACT I

Scene 7

The park in front of the courthouse.
Before dawn. Townspeople and
reporters.

PERSON 1

I can't hardly believe it was local boys kidnapped Brooke.

PERSON 3

Did they find the kid? I'll bet the old Jew wouldn't have paid the kidnappers off
anyway. Wasn't offering any reward, that's sure.

PERSON 4

Heard they killed him right off. Busted his skull with a brick.

(GEORGE and ROGER enter.)

ROGER

... and then he says, "But she charged me ten dollars!"
(Both laugh)

GEORGE

Clara Bow! He fell for that gag? Come on, you're pulling my leg.

ROGER

As God is my witness. Guy never did catch on, heck
(Laughing)
he can't figure out why we laugh if he tells the story. "It's not that funny," he says.

GEORGE

(Still laughing, too)
I'll have to try that one sometime. Well, Dick, on the job bright and early.
(In a lower voice)
Thanks for covering for me.

DICK

Oh, sure.

GEORGE

I'll tell the boss to give you a raise.
(Laughs)
Roger, this here is Dick Barrett. He thinks he is a reporter too. What ideas these
youngsters get.

PERSON 1

World is going haywire. Country's gone bust, outlaws running loose. Hell, a good man's as scarce as a job.

PERSON 3

It's a mighty sad day for this town. And then to stick up his folks. Real yellow bastards.

DICK

Nice to meet you, sir.
(Nods)

MASON

Charles Mason, L.A. Examiner.
(Greetings around)
Regular press convention, getting to be. But it won't last long now. Soon as the names and addresses are out, stories filed--this'll all be ancient history.

ROGER

From the look of this crowd, the story might just be beginning. Looks pretty ugly to me.

GEORGE

Nah, they're just like us, wondering what happened. You heard anything?

DICK

Just scuttle butt. Courthouse is tight as a drum. I even checked the door on the back stairs; bolted.

PERSON 2

You reap what you sow. Mr. Hart may be the community pillar but his store's put many a shop or two out of business.

CHARLES

Can't be much else to it. A couple of prunefarmers screw up. Think they'll get some easy money, hah.

(Laughs)

What a mess. I heard they killed the kid right off, dumped him in the bay. It'll be an ugly story.

ROGER

Still good for the national wire. This is not some Joe Peabody.

PERSON 1

Oh come on, that's not the same. I'll admit he's a sharp trader, but business is business. This here is a disgrace.

DICK

(To himself)

Why would they do a thing like that?

CHARLES

I was reading your column, a nice piece, Mullard.

(Reads)

"Both parents of the missing youth are suffering keenly. Hart, when he greeted newspapermen last night, appeared scarcely able to descend the stairs, and was white and drawn."

PERSON 3

The father is one thing. The kid's another. Looking for trouble if you ask me. Brand new Studie, raring about all duded up.

PERSON 4

It don't matter Gale. This kind of thing is wrong. It isn't the kid or the old man Hart, it's the principle.

GEORGE

Thanks Mason. Spoken like a poet and a scholar.

DICK

(Mockingly)

Practically literature.

GEORGE

(To DICK)

Quite a card ain't he.

(To CHARLES)

You won't be writing my epitaph yet cub.

(To ROGER)

Seriously, I write for posterity, to leave behind a record of the times, that right?

ROGER

The facts alone aren't worth reading. The Trib's not a yellow rag but if I just sent the facts, someone else would be writing my stringer tomorrow.

PERSON 1

That's it, the principle. Somebody has to teach these gangsters a lesson.

PERSON 2

These aren't just local boys.

PERSON 3

Anybody that'll kidnap and murder ain't no boy a tall.

GEORGE

(Taking out a flask, drinking)
Be instructed.

(To DICK and CHARLES)
Cut the chill?

(To ROGER he offers his flask)

ROGER

Thank you kindly.

PERSON 4

Besides, Jew or not, Mr. Hart is generous. He gave five hundred dollars, himself, to the community chest drive.

PERSON 2

Slap in the face of society.

GEORGE

Well Dick, you listen to the man on the street; I'm going to find a place to get some breakfast, and rest my feet.

(Nods to all)

Gentlemen.

(Exit)

PERSON 3

Things has changed, gone plumb to hell. Bootleggers, racketeers, gangsters, hoodlums. Most ever day's got a kidnapping in the paper.

PERSON 2

It's getting so a person's not safe on the street at night.

PERSON 4

It's not right.

PERSON 1

No it's not.

PERSON 3

It's a might poor town that'll put up with it.

PERSON 2

If it was up to us, we'd know what to do.

PERSON 1

It's our town here, our responsibility.

PERSON 4

It's hard to credit though, a murder like that.

(General muttered assent.)

ACT I

Scene 8

Courthouse. (Ringing phone.) EMIG, BUFFINGTON, RAMSEY, CORDREY, MS. GALLAGHER, HOLMES and THURMOND. Also VETTERLI, HAMILTON, CONROY, ANDERSON, and BLACK.

RAMSEY

Well, we sure as hell can't hold them here all day.

CORDREY

Crowd keeps getting bigger sheriff. And pretty soon folks'll be coming to work.

VETTERLI

Let's just load these boys in a patrol wagon and run them up to Potrero. Sooner we get it done, the less problems we'll have.

EMIG

Get that phone will you. Who is the Chief up there? Will it be all right?

BLACK

Yes, I was just on the horn with him. He's got a real fortress up there, and he owes me a favor.

EMIG

Hamilton? Anderson?

ANDERSON

I think he is right Mr. Emig, but we might have problems getting through that crowd even now.

HAMILTON

Well, it sure don't look like they have any friends out there; if these boys get a little messed up, it wouldn't be the end of the world.

EMIG

These prisoners are our responsibility. Let's get them there in one piece.

HOLMES

I'll take that responsibility. Let me out, and I'll meet you.

ANDERSON

(Walking over to slap him)

Nobody asked you, wiseass.

HOLMES

Fuck you, tin man.

VETTERLI

Ed, calm Bud down before he hurts him too bad.

ANDERSON

Normally I don't bother, but for you, I'll be there, front row seat. I want to see you take the drop. You get me? I want to see you then. Louse.

CONROY

Come on, Bud. Let him alone.

VETTERLI

Why don't you call in your deputies. With a few more men, we could rush them right through the crowd.

BUFFINGTON

By the time enough men got here that crowd would be twice as big.

EMIG

Not enough time for that. We can get a few more men and rush them across to the jail though.

HAMILTON

We'll still be stuck here though. And when the crowd sees the blue suits, they'll know it's one of the kidnapers.

CORDREY

Then deke'em. Someone puts on his overcoat and hat, everyone will think we are putting them in the jail, and whisk, out the front door.

HAMILTON

That'll only work if we take them out one at a time. We take both of them out there, there's no hiding it.

BLACK

Split them up. One out the front, one out the back.

EMIG

It might work. I called Trudeau, had him send Wesley over. My machine is running a little rough. We can use the mechanic when he gets here.

(VETTERLI goes up to EMIG--speaks quietly with him and EMIG finally agrees.)

EMIG

Soon as Wesley arrives, I want Thurmond in the coveralls; Chief could you take the mechanic across to the jail? Most people will recognize you. Conroy, you and I will take Thurmond. Somebody, undo the cuffs so he can get his coat off. Vetterli, after we go out, give the crowd a minute to shift; then you, Hamilton, and Anderson, take out Holmes. Use my car, it's parked in back.

BELLE

What about me?

EMIG

You want to ride along with us?

BELLE

I wouldn't miss it for the world.

(WESLEY, the mechanic, arrives)

Besides, people might not suspect anything if I'm with you.

WESLEY

Holy Toledo, what a jamboree out there. Morning Sheriff, Boss said you wanted to see me.

(Lowers voice)

Those the kidnappers?

(Looking at HOLMES and one of the G-men)

They look like ugly characters all right.

EMIG

(Smiling)

That's one of them. There's the other--he'll need your coveralls.

WESLEY

(Starting to unbutton)

Shell game, huh.

EMIG

General idea. Where is Trudeau?

WESLEY

In his car First and St. James, northwest corner.

(To THURMOND)

So, why'd you do it?

THURMOND

(Speaking the first time)

Ask him, Holmes. He's the brains.

(Putting on coveralls)

WESLEY

(Putting on overcoat)
You're just the Airedale, that it?

EMIG

All set? Wes, you'll be going over to the jail with Chief Black. Keep your head down.

(To the policeman)
Keep the crowd away from him, but if it gets ugly, let them know he isn't a kidnapper. Good luck.

(Exit left)

(General motion and noise as the group goes out and from the outside a roar.)

CONROY

Okay, Thurmond. Don't try anything you'll regret.

EMIG

Belle?

BELLE

I'm ready.

EMIG

Okay. Let's go. Give me a few minutes, Ham, before you go out the back.

HAMILTON

We'll see you in the city.

EMIG

(Leaving with BELLE, exit right, THURMOND on right)
Right.

(Another roar from the crowd--late.)

VETTERLI

That's our cue. Just remember, tough guy, you try to escape, you'll only be saving the taxpayers' money.

ANDERSON

It'd be a pleasure to send you off.

HOLMES

Not too hard to thrill are you?

ANDERSON

That's right, wise guy, laugh. I like a funny guy once in a while. Good for my digestion.

HAMILTON

(Watching out front)
Check his bracelets.

ANDERSON

(Cinching handcuffs)
Nice and tight.

HAMILTON

Looks good. Emig got out. Crowd is moving around. They fell for it.

VETTERLI

Okay, let's go.

ACT I

Scene 9

A room, poorly lit. O'NEAL and BARCELONI.

O'NEAL

(Reading confession)

"... I told Mr. Hart I was one of the boys who wrote the letter of November 15th. I also told Mr. Hart that I had my orders from headquarters and that was all I could do. At the time I finished the call, I was arrested by Emig." That's it.

BARCELONI

So, what is the problem? This goofball, he's a stooge, a dummy, doesn't know from nothing.

O'NEAL

The other one, Holmes, hasn't said anything yet, but what if it goes to trial?

BARCELONI

Louis, Louis. You come to my house, five in the morning, it upsets me, it upsets my wife, for what? These guys, these hoodlums, they are nothing to me.

O'NEAL

There are rumors, Mr. Barceloni.

BARCELONI

So people talk. I pay the alzo for you too, don't bring me problems.

O'NEAL

But there are federal agents on this case, men from the Justice Department.

BARCELONI

This talking, you accusing me? Louis, I'm not going to have this boy kidnapped. I know his father, a good man; he even goes to the school same like my son. I'm a wolf, a mad dog to do this? I wouldn't touch a hair, not one hair on his head, Louis, I swear this to you.

O'NEAL

Look, I'm sorry Mr. Barceloni, but like I said, people talk. Your resort; some people say he had a gambling habit; it's just not a good climate.

BARCELONI

You have to tell something, you tell me.

O'NEAL

Maybe, just so people, you know, maybe you should close your resort. Only a week or two.

BARCELONI

Maybe it's *you* don't understand. Many a people like to relax. They're upset, sure, I'm upset, but they still likes to relax. It's my business. I close my place, that says to me, I'm a guilty. I'm a not guilty, I no close my place. The Senator, the mayor, even the governor, many people, they come to the club and relax. The club's not a problem. I think it's *you* is got a problem Louis.

O'NEAL

What should I do?

BARCELONI

(After a pause)

Relax, Louis. This, what is it? Nothing! Does this Holmes say the same thing, it's a problem?

O'NEAL

No, no. That far, no.

BARCELONI

You the District Attorney?

O'NEAL

(Slowly)

Y - e - s.

BARCELONI

Then you hear the confession; he says the same thing; it's no problem.

O'NEAL

But these men, they'll be moved around; Sacramento, San Francisco, someplace safe.

BARCELONI

So, you go there, you bring the confession back. You worry too much Louis.

O'NEAL

I have to consider what could happen.

BARCELONI

Like what? You go where to they take these boys, hear them, the police. It's a local problem Louis, am I right?

O'NEAL

Yes.

BARCELONI

So, they have a trial, it should be here. But easy, not straightly, have another man say so, not you.

O'NEAL

That makes sense. Yes.

BARCELONI

Many people are angry at this crime. It's a terrible, terrible thing . . . you want coffee?

O'NEAL

No, thank you. It would be best if I were to arrive early.

BARCELONI

You know best. Thank you, Louis.

(LOUIS exits. BARCELONI begins making a telephone call.)

ACT I

Scene 10

On the Bridge. (THURMOND, EMIG, CONROY, BELLE. THURMOND walking along front of stage looking down, looks at one side, then the other. No handcuffs.

THURMOND

Right about here. I can't be sure, it was pretty dark.
(Looking at the ground, at the railing)

EMIG

What do you think, Ed?

CONROY

I can't see any sign of a scuffle. Are you sure it's this side? Did you turn around before dumping him?

THURMOND

He didn't put up any fight, just hollered a little. We just drove straight off the bridge, 'cause Holmes turned the car afterwards, when I was watching to see if he would come up.
(Pause)

EMIG

What about when Holmes slugged him. Wasn't there any blood?

THURMOND

Maybe there's a little somewhere about here.

BELLE

(Wobbling on her feet)
Ohhh!

EMIG

(Catching her)
I'm sorry Belle, why don't you sit in the car.

BELLE

I, I'm all right, Sheriff.

EMIG

We can leave now anyway. About the middle then.

FELIX

We'll bring the Mermaid down the bay and start dragging. With those weights and all, he probably didn't move too much.

THURMOND

I can't believe it happened. It seems like a bad dream.

EMIG

You are waking up a little late.

ACT I

Scene 11

At the restaurant. Same group and a waitress taking their order.

CONROY

Morning Flo.

WAITRESS

Felix, you're a little early for lunch.

CONROY

Nah, late for breakfast.

WAITRESS

Well, have a seat. I never yet turned away a hungry man. What'll you have?

EMIG

I'll have the steak, well done and mashed potatoes. Coffee.

CONROY

I'll have the same, and a bowl of clam chowder.

THURMOND

The steak sounds good. I'd like a glass of milk. Rare for me.

CONROY

Yeah, eat up. This'll be better than the county chow.

EMIG

Belle?

BELLE

I'm not hungry. Just coffee.

WAITRESS

Three steak specials, three coffees, bowl of chowder, one milk.

CONROY

Yeah, that's it.

THURMOND

And a piece of apple pie.

WAITRESS

And pie. Anything else?
(Exit)

CONROY

I'm going to see what's keeping our coffee. You can handle the prisoner on your own?
(Exit)

THURMOND

(Smiling)
Dang, I'm about starved. Haven't been able to eat hardly, the last week or so.

BELLE

(Disgusted)
I think I'll wait in the car, Bill. I've changed my mind about the coffee.

EMIG

Are you sure?

BELLE

Maybe I can get a little rest.

EMIG

Here, take my coat then. Might still be a little chilly.

BELLE

Thanks.

THURMOND

(Offers his coat, too)
Here, you want mine too?

BELLE

You have got to be kidding.
(Exit)

THURMOND

Everybody acts like I'm some kind of monster, giving me the dirty look. But I ain't a tough guy. I'm just screwy.

(Pause)
Women! I'd never of got into this mess if it wasn't for girls.

EMIG

How is that?

THURMOND

I had a high school sweetheart, after high school, yeah, she was

EMIG

(Tired)

Do you mean *she* talked you into this?

WAITRESS

(Comes back with coffee)

Sorry it took so long. Steak will be up in a minute.

EMIG

Only two. Belle decided to rest in the car.

WAITRESS

Oh, that's okay.

(Exit)

THURMOND

No, she didn't have anything to do with You don't know what it's like not to have any money. Can't go to the movies, no nice clothes--see, I was crazy about her. Well, one day she sent me an invitation to her wedding, 'bout drove me nuts. I wanted to show her she was wrong about me. I was going to show everybody.

EMIG

I still can't figure it. You're not the kind of guy that does this. How did he talk you into it?

THURMOND

I never met the other guys, but Jack said it was foolproof. He even said we'd be protected, taken care of, if we were caught. And we never meant--we were just going to hand him over.

EMIG

Who to?

THURMOND

I don't know. They never showed up.

EMIG

Well, you've said all that, but why did you go along with it?

THURMOND

Well, I wanted to, you know, money, a car.

(Fade out.)

ACT I

Scene 12

Arrival in San Francisco Jail. (HOLMES and THURMOND go through the admission process. Reporters, photographers and policemen are waiting.)

(Bursting in the door, "Here they come", EMIG, BELLE, CONROY, THURMOND enter and flashbulbs go off. THURMOND doesn't react to cover his face.)

REPORTER 1

That's one of them there. How many did they catch?

REPORTER 2

Is he part of the Klutas gang?

REPORTER 3

What about the Hart boy?

POLICEMAN

Back up, there; back up.

REPORTER 1

Who was the arresting officer?

BELLE

Sheriff William Emig.

REPORTER 2

How'd you catch 'em Sheriff?

GEORGE

Bill, what's the story on Brooke Hart. Is it true he was murdered?

EMIG

I'm afraid so. They dumped him in the bay. How did you get here anyway?

GEORGE

C'mon Sheriff. You can't give me the slip that easily. Once you left, it wasn't long before we found out where you were going.

PHOTOGRAPHER

Sheriff, can I get a picture of you and the prisoner?

EMIG

I suppose so.

(Moving to stand near THURMOND)

GEORGE

So what is the scoop? How'd you catch him?

(VETTERLI, HAMILTON, ANDERSON, HOLMES enter. HOLMES is beaten up, bleeding from nose to mouth.)

VETTERLI

You made it all right? We had a little trouble getting laughing boy through the crowd. Uh, Hamilton, why don't you and Anderson clean him up a little.

(Straightens tie, moves in with EMIG and THURMOND)

Anytime you are ready boys.

(Flashbulbs)

GEORGE

How many are there? And how'd you catch them?

EMIG

Only these two so far as we know at this point.

VETTERLI

The capture of these kidnappers has been due to the cooperation between local and national forces.

POLICEMAN

Chee rist, but almighty! It's a pandemonium out there. These boys are special, that's certain. Got their own fan club.

VETTERLI

These combined forces, aided with the Treasury Agent expertise finally broke the case.

PHOTOGRAPHER

Can I get a shot of you two? That's great! I want to get one of Holmes, here.

POLICEMAN

(Pushing his hat down)

Keep your head down. We don't want any bleeding hearts to start crying about police brutality.

(Laughs)

But you aren't worried about that.

VETTERLI

(To EMIG)

He's ready to make a confession now. If you get the steno in here, we could take care of it in another couple hours, wrap this case up.

(When the pictures are taken, they are both stumbling from nervous exhaustion. Sitting down together to untie their shoes, Holmes spits into Thurmond's face, bloody spittle.)

THURMOND

Why did you do that?

ACT II

Scene 1

Bar, night time. Four men, one reading the newspaper, one the bartender.

PERSON 1

(Reading the paper)

"Harold reached in the car and got the wire and started wrapping his feet and hands and at the same time he passed me the gun."

PERSON 2

If they had a pillowcase on his head, how would he know he had a gun pointed at him?

PERSON 3

I don't believe it.

PERSON 4

What?

PERSON 1

(Reading)

"I don't think after that Hart ever snapped out of it--I think his head hit the curb."

PERSON 2

Probably cold-cocked him.

PERSON 3

Do they think telling about it will get them out of trouble?

PERSON 4

They're just trying to shift the blame. Won't do!

PERSON 1

(Reading)

"Harold got the two concrete blocks and tied them around his feet and we tossed him overboard, . . . After that, I don't know what it was, maybe the water revived him and he made some sound and fanned around. Harold grabbed the gun and started shooting at him."

PERSON 3

Cold blooded murder!

PERSON 1

(Reading)

"Before we separated we both discussed the deed we had done and, well, we were appalled at it. I said I never thought I could participate in something like that."

PERSON 2

He talks like it was somebody else done it.

PERSON 1

(Reading)

"We decided as long as it was done to go through the balance of it." That's the confession. What's the verdict?

PERSON 2

Guilty.

PERSON 3

Guilty.

PERSON 4

Guilty.

PERSON 1

Gale, draw me another beer. Well, so what are we going to do about it?

ACT II

Scene 2

San Jose Jail. The jail at morning-- people coming in for work or standing around. Front desk sergeant is filing a stolen car report.

DUTY OFFICER

Business? What were you doing here?

BENSON

(Heavy Scandinavian accent)

My brother Hellvig, lives in San Rafael. Said work is here. Yesterday, I was in the parade. Mechanic to the 25th division, infantry.

DUTY OFFICER

When did you miss the car?

BENSON

This morning I gets up, it's done. Last night, I'm at the beer hall. Fella says where you staying. "Star Motel." "That's the ticket, soldier" he says and buys me a beer. I gave him a ride to the boarding house next door. This morning my car is gone.

DUTY OFFICER

What was this man's name?

BENSON

Simpson, Sampson. Something like that. They never seen him to the boarding house.

DUTY OFFICER

What make was it?

BENSON

Ford, four door black. 1927.

GEORGE

There was a Ford towed in this morning. It was smashed up on the L.A. highway near midnight. Not too bad, maybe.

BENSON

Now you're talking.

DUTY OFFICER

Thanks George.

BENSON

Where is it?

DUTY OFFICER

It would be in the police car yard, about three miles north on First Street. Sign this.

BENSON

Okay, okay!
(Signs, leaves)

EMIG

(Enters)
What's with the doughboy?

DUTY OFFICER

Morning Sheriff. Oh, somebody took his car on a joy ride.

EMIG

(To DUTY OFFICER)
Anything else?

DUTY OFFICER

No, it's been quiet for a change.

EMIG

Good.
(He crosses to office)
Buffington, Hamilton, Anderson, I'd like to see you a few minutes.

GEORGE

You're looking a hell of a lot better, Sheriff.

EMIG

Amazing what a good night's sleep can do for you.

GEORGE

Bet it's the first you've had for a week.

EMIG

'Bout that!

GEORGE

Hey, what are you doing here anyway? Why aren't you in the city?

EMIG

Nothing to do up there but pose for pictures.

(BUFFINGTON and ANDERSON come in.)

BUFF

Vetterli must be in Hog Heaven.

GEORGE

You can bet when J. Edgar Hoover picks his men, their looks figure. Good for advertising.

ANDERSON

Aw, lay off it.

EMIG

(HAMILTON enters office)

Did you turn their places over? Hold on.

(Goes to door)

I'll talk with you later George.

(Closes the door)

HAMILTON

Not much doing. Some wire, another concrete block; but no gun, no notes, nothing.

EMIG

What about their background?

HAMILTON

Not much. Thurmond is a dummy. Finished high school, barely. Worked on his folks' farm, had a job at a filling station awhile. No one figured him for anything like this, no initiative. He was hit in the head when he was in high school, accident with a tractor. Since then he hasn't been too bright. One thing is for sure, there is no way he could have saved that money he had on him when he was arrested.

EMIG

Okay! We'll keep looking. And Holmes?

HAMILTON

He's a little deeper. Bright--took some tests at the Teacher's College, scored high in leadership and psychology. Could be the Svengali-type. Never did go to college--moved out to Stockton area. He's told people he'd been in the oil business, but it's not certain. Wife, couple kids--gone to Fresno. And he has a girlfriend. Gertrude Estensen. We haven't talked yet. She may be the woman Ramsey heard on the Hart tap. Coming in at eleven o'clock.

BUFF

Maybe it's just like they said--they wanted money. Holmes used the dummy for muscle, figured to hang the blame on him.

EMIG

Still a few things that don't square.

HAMILTON

Could be the truth.

BUFF

They sure didn't come up with any alibis.

HAMILTON

Holmes was trying. How do you figure it, Emig?

EMIG

I don't know yet. Holmes is the key. Thurmond wouldn't know anything unless Holmes told it to him.

BUFF

But it still doesn't make sense. Unless he was on his own. There's no connection to anybody else.

HAMILTON

They were seen talking to Barceloni's odd job man in Campbell, Georgie Zarco.

BUFF

At a filling station--just a coincidence.

EMIG

What is Felix on?

HAMILTON

Backtracking Holmes and Thurmond. Turned up the girlfriend lead. He'll call in at ten, ten thirty.

EMIG

And besides, the confessions are too pat. These two guys both telling a story and it comes out the same.

BUFFINGTON

I was there.

(To HAMILTON)

You were there. They were both blaming each other.

EMIG

Yes, but these stories are identical. They should have been a little different. Anyway, let's keep looking. It's not over yet.

BUFF

What about the Feds?

EMIG

They are all busy up in San Francisco now. I'll call to see if we can get Ramsey back down. I want him to hear her voice.

(Pause)

Let me know what the girlfriend has to say, and I want to talk to the O'Brien kid again. Get him down here. Maybe he'll recognize the pictures.

(Pause)

Yes, I'd like to talk to him again.

ACT II

Scene 3

FLASHBACK--about a week earlier.
EMIG alone in his office. A lower level
lighting--night time dim.

CHARLEY O'BRIEN

(Enters, hat in hand, knocks)

Mr. Emig? Could I talk with you a moment?

EMIG

You are Brooke's friend, right? Take a seat.

CHARLEY

Yes sir, thank you. Um, I didn't, in front of his parents, I held back a little.

EMIG

What?

CHARLEY

When you asked if he had problems I said "no," but he had some debts.

EMIG

What kind of debt?

CHARLEY

Gambling.

EMIG

Just a minute.

(To door)

Buffington, Hamilton, Ramsey, come in here.

(These three men enter)

Brooke Hart had some gambling debts.

HAMILTON

Who did he gamble with?

CHARLEY

I don't know all the names.

BUFF

When?

CHARLEY

Then, up until a month and a half ago, they cut him off.

BUFF

A month and a half ago? How come nobody said something?

CHARLEY

Brooke was worried what his father would say. He had some scrapes before and when his father got him out of it, he forbade gambling. That's why Brooke left the university. Can this all be confidential? My parents don't hold with some things.

HAMILTON

We won't say anything.

EMIG

Where did Brooke do his gambling?

CHARLEY

Thank you. Where? There was a place in Burbank, a kind of basement casino on San Carlos.

HAMILTON

Lucky Seven?

CHARLEY

That's right. And there was a roadhouse resort in Los Gatos, The Frog Pond.

BUFF

What the hell were you doing there? Asking for trouble?

CHARLEY

It wasn't my idea. Brooke had won a little money and wanted to get in a bigger game. At first he was doing good but he got a little drunk and lost big.

EMIG

How much?

CHARLEY

About twenty-five thousand.

(Expressions of surprise "Jesus Christ," Whistle, "Holy Moly".)

BUFF

You aren't much of a friend. Why didn't you stop him?

CHARLEY

He wouldn't stop. He wanted to win, even up, but finally they stopped. Brooke was sick when he heard how far it had gone.

EMIG

When was this?

CHARLEY

About two months ago. A week after Brooke was promoted to Vice-President of Hart's Department Store. We were celebrating.

Portrait of a Victim

Brooke Hart at a podium, Alex Hart and Arthur Gossling on either side. A banner behind him reads "Meet Your New Boss."

"It has always been my father's dream that I would work with him in the family business. I'm happy I can be part of this dream."

Brooke Hart--his hands are held up by Arthur Gossling and Alex Hart. Triumphant smiles.

"Three cheers for your new boss!"

HAMILTON

How was Brooke going to pay this debt?

CHARLEY

He couldn't. If his father found out, he'd lose his job He thought maybe they would forget about it, let him pay when he could.

RAMSEY

What about the sweet shop you two were going to open?

CHARLEY

That was to pay part of the debt, he was going to sign over his half of the loan.

EMIG

Who was pressing him to pay? Who did he owe?

CHARLEY

The resort owner, Mr. Barceloni. He wasn't exactly pressing though. He just expected Brooke to pay.

EMIG

Ramsey, I'd like you to go over the whole story again with Mr. O'Brien. Dates, times, people. Son, I just hope you didn't tell us too late. Buff, Hamilton, I want you to go out to Barceloni's place. Invite him downtown.

(They leave the office.)

What do you think? HAMILTON

Brooke? I think it's a mess. EMIG

What if he refuses to come? BUFF

Let him know what it's about. He'll come. EMIG

ACT II

Scene 4

Change scene--later, still in
FLASHBACK. EMIG and
BUFFINGTON in EMIG's office.

BARCELONI

(Enters)

'Lo Boys! The governor sends a couple lugs of pears, Bartletts, maybe the boys take 'em home.

(Turns to BUFF with car keys)

They're in the trunk.

(EMIG nods, BUFF exits)

You catch those kidnappers yet?

EMIG

No, not yet.

BARCELONI

(Sits, lights a cigar, long pause)

Well?

EMIG

I'm going to give it to you straight. I've heard Brooke was up at your resort a couple months back. He lost a lot of money.

BARCELONI

Yeah! So? The kid had money to burn, gets in a social game. What's it with me?

EMIG

Your house, your games. You covered his I.O.U.

BARCELONI

As it happens, I was there that night.

EMIG

Running the games?

BARCELONI

Hold on Sheriff. If my guests some wants to relax, play cards, a little dice, I should "no" them? So this rich kid gets in over his head. It's a honest game. I'm not sitting babies there. And then, with my money, I save from him scandal. So I'm to blame, hah? You should thank me.

EMIG

Did you try to collect?

BARCELONI

What, strong arm stuff? The kid's father, a man of the town, high class. It's not good business. Kid says he doesn't have the money, what can I do?

EMIG

Go to his father?

BARCELONI

I go to his father, it's like blackmail. I do this and my resort, it's finished. Lot of respectable people like to relax, okay. What they do is nobody's business.

EMIG

Do you have any ideas who might have kidnapped him?

BARCELONI

He didn't have friends. You know what I say? He's a prince. Anybody it could be.

EMIG

Did you like him?

BARCELONI

Swimming in dough, flashy dresser, new Studie; he stiffs me. I didn't like it. I tell him you don't come back to my club, that's all.

EMIG

That's all?

BARCELONI

I say it's so, it's so. You finish?

EMIG

Yeah, no more questions.

BUFF

(Comes back)

Thanks a lot Mr. Barceloni.

(BARCELONI nods, leaves)

ACT II

Scene 5

Lights up--REAL TIME.

(Police interview GERTRUDE and ROSCOE ESTENSEN at police station, neutral office, BUFFINGTON, HAMILTON enters.)

HAMILTON

She's here with her husband.

RAMSEY

Okay! What do you have on her?

HAMILTON

High school sweethearts. It looks pretty steady for the last four, five months.

BUFF

Giving him a twist?

HAMILTON

Pretty steady. Tips from neighbors since Holmes was caught, Felix turned up a hotel register with his name and "Trudie" on it. Got a word from a maid up there.

RAMSEY

Maybe we can go faster if we pull the husband out. I'll give you the nod, Buffington. All right, bring them in.

(BUFF hands RAMSEY the clipboard, exits)

HAMILTON

One other thing, Estensens--Holmes was going to use them for his alibi.

RAMSEY

What? How's that?

HAMILTON

His first story. Claimed he spent the evening with them and his wife, dinner, movies.

RAMSEY

They know anything?

HAMILTON

We'll find out.

(BUFFINGTON returns with ROSCOE and GERTRUDE.)

BUFF

Undersheriff Hamilton, Department of Justice Agent, Ramsey.

ROSCOE

Nice to meet you. My name is Roscoe, Roscoe Estensen.

RAMSEY

Have a seat. This is about the Hart case.

ROSCOE

That guy? I never trusted him. Shifty eyes.

HAMILTON

How long have you known him?

ROSCOE

Um, three months, four.

HAMILTON

And you, ma'am?

GERTRUDE

We went to school together so I knew of him. My parents were friends of his father.

HAMILTON

So you've always been friends.

GERTRUDE

Oh, no! After high school he left town.

RAMSEY

When did he come back?

GERTRUDE

I don't know. He visited me, I was in the hospital, I suppose his father mentioned it. About five months ago, I suppose. That's the first time I'd seen him in years.

HAMILTON

So you were seeing each other socially.

GERTRUDE

We had dinner together, I don't know, how often Roscoe?

ROSCOE

Four to five times. Gertie felt sorry for his wife I guess. Two kids, he couldn't keep a job.

HAMILTON

What kind of work did he do?

ROSCOE

Odd jobs, worked for an oil company in Stockton before. Always talking this deal, that deal.

HAMILTON

What did you do the night of November 9th?

ROSCOE

Hah! He invites himself and his wife over; offers to take us to the movies.

GERTRUDE

We played bridge first.

ROSCOE

He dealt cards but we couldn't finish. He wanted to see the cartoon. Hah! Hah! "Who's afraid of the big bad wolf, big bad wolf, big bad wolf."

(RAMSEY nods to BUFF.)

BUFF

(Hiding a smile)

Could you look at some pictures Mr. Estensen? Perhaps you could identify an accomplice.

RAMSEY

Start with the Klutas file, better check the whole works.

BUFF

Right.

(They exit)

HAMILTON

Okay, let's cut the comedy.

GERTRUDE

What do you mean?

HAMILTON

Don't play coy.

RAMSEY

We are giving you a break. If you want, we'll get your husband back in here and go through it all in front of him.

GERTRUDE

What do you mean?

HAMILTON

We know you were not just seeing Jack Holmes socially.

(Pause)

Did you meet him any place else?

GERTRUDE

At my mother's house, but my mother was always there.

HAMILTON

Always?

ACT II

Scene 6

GERTRUDE's flashback--lights down--
when they come up, she and HOLMES
are holding hands.

MOTHER

It is just awful, isn't it? Poor boy; and his family too.

GERTRUDE

Anybody who'd do something like that is the lowest kind.

HOLMES

Yes, that's right.

MOTHER

Yes, of course, but what a shame. Oh, dear! I'll have to leave you for a few moments. There isn't any spinach in the house and your father has this mania about greens. Now you children behave.

GERTRUDE

Oh, mother.

MOTHER

Where is my hat?
(Exits)

(HOLMES and GERTRUDE kiss.)

HOLMES

You got that scandal belt on?

GERTRUDE

Yes, but not here. Mother will only be gone a few moments.

HOLMES

I just can't stand it, honey. You feel so good. I want to have you.

GERTRUDE

You're just like a dog.

MRS. BUTLER

(Coming in the door)
Oh, excuse me. I was just going to bother your mother for some flour.

GERTRUDE

She's not here right now.

BUTLER

I'm rolling out a pie crust, just a smidgen will do.

GERTRUDE

I don't know where she keeps it.

BUTLER

(To HOLMES)

Oh, you are John, John Holmes, aren't you? We haven't seen you for a while.
Where have you been all these years?

GERTRUDE

Mother will be back shortly. I'll tell her to stop over.

BUTLER

Oh, I know her kitchen. Don't let me disturb you.

(End of GERTRUDE's flashback.)

ACT II

Scene 7

Police Station.

GERTRUDE

Okay, maybe we were alone for a few minutes. What about it?

RAMSEY

Your personal life is your business. When is the last time you saw Jack Holmes?

GERTRUDE

Last week, Monday afternoon.

HAMILTON

Where was that?

GERTRUDE

At my mother's house.

HAMILTON

Did you know that he separated from his wife the next day?

GERTRUDE

Yes. I mean I thought it was some personal cause.

HAMILTON

(Laughs)

Like being in love with you?

GERTRUDE

It's the first time I've heard of that. Yeah, sure I know he was infatuated, but I felt nothing for him.

HAMILTON

His wife said she visited you on Sunday, two weeks ago. What was that about?

GERTRUDE

When she came, I was in bed and I got up. She was upset and said she wanted to take me for a ride. When we got out she said then that she wanted to talk, and mentioned this. I told her I was glad she did. I never had any intention of going away with her husband or leaving Roscoe. It was just an illusion on his part. It was like ten years hadn't passed for me.

She had seen his infatuation for me. She said she thought throwing me in his company and going out together, he'd get over it, but she realized she did the wrong thing. I realized it too, that she had done wrong. What could she expect?

I thought he'd get over his illusions from school days. I told her I had no idea of getting a divorce or marrying Jack, and even if I wanted to, I wouldn't because of her and the children. She was happy when we parted.

RAMSEY

Did he discuss this with you, leaving your husband and going away with him, lately?

GERTRUDE

Do I have to answer that?

HAMILTON

(Holding something back)

Not unless you want to.

GERTRUDE

Yes, he did.

RAMSEY

Did you ever talk about money in the discussions?

GERTRUDE

No, we didn't. I had no intention of leaving with him, so I wouldn't have inquired about finances. It didn't come up.

RAMSEY

He didn't tell you anything?

GERTRUDE

I guess he said something but I wasn't listening. I was trying to tell him it was impossible.

HAMILTON

Did you ever meet this man,

(Shows picture)

Tom Thurmond?

GERTRUDE

Yes. I guess it was last Saturday, I was walking with Jack downtown and he was there and I met him. Jack introduced us and they talked for a minute but I had already forgotten his name.

HAMILTON

What did they talk about?

GERTRUDE

I couldn't really hear them.

(Scene fades gradually away.)

ACT II

Scene 8

BAR--Night. A group of townspeople talking and drinking.

PETE

Not for all the tea in China.
(Laughs)

CAL

So did they do 'er?

JOE

Every man Jack, all six or seven of 'em and she wasn't but sixteen.

GALE

No?

JOE

Swear to God.

CAL

Right there?

JOE

On a table, by God. Just shut the door and took their turn.

GALE

What about her Pa?

PETE

What can he do? Not a red cent to his name, gets messed up in that kind of . . .

NEWSPAPER BOY

(Comes in with papers)

Extra, Extra! "Second kidnapper confesses, Brooke Hart killed on bridge!"

PETE

I'll have one of those, boy.
(Buys paper)

CAL

Me too.
(Buys paper and folds it carefully)

(NEWSBOY looks around and exits.)

JOE

Cal, you dummy. What the hell are you going to do with that? You can't read.

CAL

I aim to save it for my grandchildren. This is history.

GALE

Go on Pete, read it.

PETE

"Hotels Protest State Operated Package Stores" "Sales of liquor would be permitted only in packages and at State operated retail stores established--"

JOE

Not that you goof ball, the confession.

PETE

(Laughs)

Just keeping you on your toes.

(Drinks)

Let me have another beer.

(Clears his throat)

"I, John Maurice Holmes, in the presence of blah, blah, blah" -- says here "I have known Thomas Thurmond for about one year. We went to the show one afternoon a couple of days before the kidnapping and after we came out of there he grabbed me by the arm and says, 'there goes Brooke Hart--if we could pick him up we could get a piece of change out of him.' Hah! he says, 'Frankly, the idea did not appeal to me one iota--and I thought he was just talking through his hat.'"

GALE

Uh, huh.

CAL

That's a laugh ain't it?

JOE

Quiet, go on Pete.

PETE

"He said that it could be done mighty easily," that must be Thurmond, "I said 'that's Holmes' I guess it could. He said, 'I saw him come out of the parking lot at three o'clock and that gave me the idea. So we talked it over and decided to watch him and see when he comes out. I didn't have anything to do as I was around the oil company all that"

(Two young men enter.)

GALE

Evening gentlemen, what'll you have?

PETE

"morning looking for work, and I didn't find anything to do and we pulled up there."

PERSON A

(Young men sit down and listen)

Two small beers.

PETE

"We waited there until six o'clock, when Brooke and his dad came out. Tom said, 'I wonder if his dad is always with him.' I asked him what difference it made anyhow; where would we keep the boy in the event he picked him up and he said, 'I don't know.' Then I said, 'Tom, that is foolish; I can't be away from home anyway.'

"We talked it over at some length and the idea suddenly seemed to be a smart one.

(The listeners jeer at this)

We were driving home that night when Tom said, 'You know the smart thing is to dump the guy overboard some place.' "I said," and this is Holmes speaking, -- "I said, 'Gee, you can't do that very well.'"

JOE

Jesus Christ, listen to that, talking about murder like it were everyday business.

CAL

They'll get theirs soon enough.

PETE

You bet they will. Hell, hanging's too good for them.

PERSON A

(One of the young men)

Excuse me for interrupting, but we heard you could sign up here. You know, to be in on it, and, well, we'd like to.

PERSON B

(The other)

We sure would. A disgrace like this ought not to be ignored.

(The other agrees)

JOE

Come on in the back room.

(They exit to back)

GALE

This confession seems to sign their death warrant. Go on Pete.

PETE

He palavers on a piece--makes Thurmond out to be the boss. Kidnapping's the same though--Holmes is the stand-up guy, that's easy to see. Now here at the murder it's a little different. Let's see here. "When we got to the middle of the San Mateo bridge and by the draw, there were no cars around and Harold ordered Hart out of the car, and he got out and didn't know where he was as he had this pillow slip over his head."

ACT II

Scene 9

This scene acted out by HOLMES,
THURMOND and BROOKE--lighting
shift.

THURMOND

How am I going to tie this guy up?

HOLMES

Heck, that's no trick, you can do that as he stands there. He'll stand while you tie him up.

(Louder)

Hold on there, kid. We got to tie you up a bit before we take the next move.

HART

Where are we going?

HOLMES

Don't you worry about that.

(Sound of an approaching car.)

HART

(Waving his arms--yelling)

Hey, stop, help me. I've been kidnapped. Help

HOLMES

(Punching him--he falls, striking his head)

Shut up, you asshole.

(Car noise passes, recedes.)

THURMOND

Jesus, that was close.

HOLMES

Come on, let's get this over with. Tie his hands and feet, and here, tie this to his neck.

(Throwing a block)

Let me have the gun.

THURMOND

Maybe you cracked his skull. What's the gun for?

HOLMES

In case he decides to get up and make any more trouble.

THURMOND

He's got a pillowcase on his head, Jack. I mean, it can't be a threat unless he sees it.

HOLMES

Shut up! Just tie him up.

THURMOND

Here, give me that second block.
(Tying it onto HART's feet)
That should do'er.

HOLMES

Okay, up and over.

(They lift HART, but when they lift him on the rail, he begins to struggle, and scream. They roll him over the rail.)

HART

Hey, don't do this, please. Stop! Put me back down. For God's sake, don't

(Splash--noise stops a minute and we can hear HOLMES and THURMOND breathing hard. The moment they relax, noise of splashing below and)

HART

(Muffled and intermittent screams)
Help! Help me, someone please? I can't hold on much longer. Help! I'm drowning. Help!

THURMOND

(Going over railing)
Give me that gun.

(He disappears, we hear one, two, three, four gunshots. He reappears, climbing over the railing.)

HOLMES

Did you shoot him?

THURMOND

Shit, don't know. I don't think he'll come up again. Damn it! I've got tar on my hands. Now how'll I get that off?

ACT II

Scene 10

Lights shift to bar--PETE reading.

PETE

"Before we separated we both discussed the deed we had done and well, we were both appalled at it. I said, 'I'd never thought I could participate in a thing like that,' and Tom said he didn't know how he could have ever done it either. We then decided that as long as it was done to go through with the balance of it. Tom went to San Francisco where he made the ransom call and I went home."

(PETE finishes his drink)

Hard to credit, isn't it?

CAL

That's worse than any murder story I ever heard.

(JOE and the two boys come out of the back room.)

JOE

You boys are okay by me. Go to the Rock Castle on 13th. Ask for Sam--he'll fill you in on the rest of it. Nothing happens though till Hart's body turns up.

PERSONS A & B

(Together)

Yes sir, you bet. Thanks a lot Joe! Yeah, thanks Joe.

(Exit)

GALE

Won't be a moment too soon. Those murderers should be dead now.

CAL

Yeah, it's hard to believe. Hey Joe, when the girl was, you know, paying off that bill, did you get to--you know?

JOE

Slip it to her?

CAL

Yeah, that's what I mean.

JOE

Does a bear shit in the woods?

(Laughter.)

ACT II

Scene 11

Night. EMIG's office in the Police Station. EMIG on the phone.

EMIG

And what did he say?

(Pause)

What? What has to happen?

(Pause)

Well, for Christ's sake, Louis, I'm not a schoolboy.

(Pause)

I understand that. I know how I got here, you don't have to spell it out. Just what is it you expect?

(Pause)

That's the payoff? Are you serious? I don't give a damn how "the public" feels!

(Pause)

Sure, I'm amenable to that. Where?

(Pause)

Half hour?

(Pause)

Right.

(Hangs up and sits as lights go down.)

ACT II

Scene 12

Mid-afternoon barber shop. Several people are watching the barber shave another man. They sit in chairs along the wall.

PERSON 1

... Anyway you look at it society is going to hell.

PERSON 2

We'll have to get you a sandwich board, "Repent sinners, the end is near."

PERSON 1

Sure, laugh it up, but this Hart murder, the Buck killing, these anarchists and these union agitators too, they're all reds. This country is in real trouble.

BARBER

Times are hard, sure enough.

PERSON 3

(Reading a paper)

Things will turn around. I was just reading how the Prune Growers Association got Santa Clara Grade A back up to a nickel a pound.

PERSON 1

Just what I mean, organization.

PERSON 2

There's organizing going on about the Hart murderers. Course they don't want to go off half cocked.

BARBER

Morning George. Haven't seen you for a spell.

GEORGE

Sam, guys. Here it is middle of November and hot as August.

PERSON 1

Strange ain't it.

BARBER

That it is. An Indian Summer like this is rare.

PERSON 3

You still packing that gat huh, George?

GEORGE

It's come in handy. A little shorter in back this time.

(Pause)

You have any aspirin?

BARBER

Headache?

GEORGE

I took in the fan dancers last night with the government agents, sort of a victory party to close the Hart case.

PERSON 1

Fan dancers--you seen that Gypsy Rose Lee?

GEORGE

Yes, I perused the attractions at close range. Those fellows throw one whale of a party. Now it feels like I was slugged.

PERSON 2

Was Emig there?

PERSON 1

I read those dancers don't wear a stitch. They put on a little paint or powder or something, so's to keep it respectable.

(Laughs)

GEORGE

Wah, Emig's a great sleuth, but he's not much for high society. He said he had work, didn't even go up.

BARBER

(Going to his locker for a flask)

I suppose as it's for medicinal purposes, I could give you a dose.

GEORGE

Thank you, sir. Your health, wealth and happiness.

PERSON 3

What do you mean, closed the case? What about the kidnappers?

GEORGE

Suspects confessed, no gangs, nothing across state lines, case closed.

PERSON 2

So what is happening anyway?

GEORGE

Read the paper.

PERSON 3

Hell George, we been around you enough to know that something's being in the paper don't necessitate it's true.

GEORGE

Hah! What is it you want to know?

PERSON 1

What's the word on the girlfriend? Did you see her?

GEORGE

Good looking woman.

PERSON 3

I've seen her. She's built like a brick shit house.

PERSON 2

You think he did it for her?

GEORGE

Hard to say. I think he did it to her.

PERSON 1

I guessed as much. Her husband probably'd like to kill her.

BARBER

You're holding out on us, George. What do you know?

GEORGE

Well, it'll be in the papers tomorrow so I could tell you on the QT. When they come to trial it'll be in San Jose, but the real story is they both have lawyers.

PERSON 1

Who'd want a case like that? They confessed!

GEORGE

Hell, they'll get the confessions thrown out.

PERSON 1

Who did they get?

GEORGE

Thurmond's parents retained Bob Fletcher. Holmes somehow got a hotshot San Francisco attorney, Menard
(Yawns)

GEORGE (Cont.)

something Menard.

Portrait of a Victim

Holmes and man from the close-up in portrait #1 talking at a filling station (could use San Jose Historical Park). Second man is smiling.

"Look, you can't say no. The car you're driving, the money in your pockets, he's been taking care of you for a year. Now he's asking a little favor."

Back to Holmes' face, close-up.

"Just pick him up and hand him over?"

The other man's face is hidden in shadows, light shines on his open hands.

"That's it. And don't worry. If anything does go wrong, he'll treat you right."

PERSON 1

That's how it is these days. Laws protect the criminal. Law abiding citizens have to protect themselves.

PERSON 3

Just like the Buck case.

BARBER

Sneaky lawyers.

PERSON 2

Aw hell, that guy was tried and acquitted.

BARBER

So why'd he leave town?

PERSON 2

So what? Nobody knows he did it. He skipped town for comfort maybe.

PERSON 1

Listen to you. Next you'll be telling us Holmes and Thurmond are innocent.

BARBER

Key, keep it down a bit. George here is catching a few.

PERSON 3

Probably Thurmond's lawyer will argue some kind of nut case.

PERSON 2

Won't wash with Holmes.

PERSON 1

(Checking George's coat)
George still carries bracelets too.

BARBER

What, are you crazy?

PERSON 1

Aw Sam, George takes a joke good as he puts one on. He's sprung some doozies.

PERSON 2

Remember when he nailed Frank in that outhouse?

PERSON 1

(Clipping one cuff to GEORGE's hand)
This will be something to see.

BARBER

Not the barber chair--he's got to get the key in the Police Station.

PERSON 1

Gimme that one there.
(Cuffing GEORGE to a chair)

PERSON 2

I think I'll stroll over to the jail, see if anything much is happening; coming gentlemen?

PERSON 3

After you. This'll be rich.
(Exit laughing)
You guys, what a bunch of wiseacres.

ACT II

Scene 13

Jail, in EMIG's office. O'NEAL,
HAMILTON, BLACK and EMIG.

BLACK

Could we get a quick trial?

O'NEAL

It's doubtful. We know Fletcher is going to plead Thurmond innocent on insanity; I'd imagine he'll ask for a stay. I don't know what Menard will try.

BLACK

We could arraign them at least. Justice Grandin or Chester Moore, it doesn't really matter.

EMIG

I'd rather get a change of venue.

O'NEAL

If we pass on this case, it won't wash. Politically, I mean.

EMIG

Justice is justice. Moving the case to Sacramento is not exactly setting them free.

HAMILTON

Seating twelve jurors from this area wouldn't be so easy either.

EMIG

So we'll request a move.

(All agree, but LOUIS reluctantly)

Now the insanity plea. Can we prove Thurmond is competent?

O'NEAL

He has a past record of instability--nervous, excitable since high school--lost two jobs.

HAMILTON

There's a time he killed a yard full of chickens on his folks' farm.

BLACK

For Christ's sake! So what if he's as nutty as a fruitcake--these two knew what they were doing.

O'NEAL

It has to do with degree. If we can prove it, we can get a conviction.

EMIG

We can build a case on the evidence; Thurmond bought the blocks they tied to his body, the wire clothesline they used. He drove to San Francisco to call in the ransom, to Sacramento to mail the first note.

HAMILTON

He talked to Ed Carey about a boat; they were going to hold Brooke on it.

O'NEAL

Hearsay and supposition, not admissible.

BUFFINGTON

(Enters)

Just got a call from San Francisco. Menard filed a *habeas corpus* writ and a change of venue request. He wants the case moved back down here.

EMIG

What? Holmes is his client. Why does he want to move him here?

BUFFINGTON

I don't know. You want me to call?

EMIG

No, I'll call them.

O'NEAL

He may be trying for release on a technicality; the government is required to protect the suspect. Without evidence

BLACK

Without evidence?! He confessed!

O'NEAL

Extracted under duress. Without a confession, what do we have? No body, no murder weapon, no witnesses.

HAMILTON

We just got Brooke's hat out of the bay.

O'NEAL

Circumstantial evidence.

BLACK

Whose side are you on? Why all this nitpicking?

O'NEAL

I'm just giving you the legal position. Believe me, I'd be happy to see them both dead.

EMIG

Then we can't have a quick trial. What about a federal indictment?

O'NEAL

That might give us a few more days, but I don't think they want to hold them.

BUFFINGTON

Yeah, there's an ugly crowd about the jail up there, four, five hundred people.

EMIG

That's nothing to what we'd have here.

(to BUFF)

Tell the duty sergeant there'll be no leaves, and I want all the deputies called in, just in case.

BUFF

Yes sir.

(Sounds of razzing offstage.)

--Ace Reporter, crime stopper Mullard brings in another suspect.

--Did he put up much fight George?

--Hang the son of a bitch.

--Hey George, did you have to pull your gat?

--Good work, Mullard.

--Sure you can handle him?

GEORGE

(Comes on with the chair cuffed to his arm, laughing)

Sorry Bill, I need the keys to this bracelet. Some damn fool's idea of a joke.

(Several laugh)

EMIG

(To GEORGE and OTHERS)

No shortage of fools around here.

GEORGE

I nodded off at Sam's, next thing I know

EMIG

I've no time for jokes right now.

(Turns to go)

And you can leave those on my desk.

EMIG (Cont.)

(About cuffs.)

(EMIG, BLACK, O'NEAL and BUFFINGTON exit.)

GEORGE

What happened?

HAMILTON

There's talk of moving Holmes and Thurmond back down here.

GEORGE

No kidding!

BUFFINGTON

(Looks in)

Oh, Chief Black has a story for you. They want you out at the Hart place.

(Leaves)

GEORGE

(To BUFF)

Thanks.

(To HAMILTON)

Why?

HAMILTON

Not now. Maybe I can tell you about it when you get back.

ACT II

Scene 14

Hart Mansion. ARTHUR GOSSLING
and GEORGE enter.

ARTHUR
I'm sorry to disturb you on a day off.

GEORGE
(Chuckles)
Day off? I didn't know there was such a thing. I appreciate your confidence,
calling me here.

ARTHUR
Not at all.

GEORGE
How are they holding up?

ARTHUR
Not too bad considering. He was their first son, and Nettie,--he was her favorite.

GEORGE
Oh
(Pause)
What is it you wanted?

ARTHUR
Well, Mr. Hart was going
(Phone rings)
Excuse me.
(Answers and listens)
What? Who are you? What's your name? If I could get my hands on you I'd break
you like a twig.
(Slams down receiver)

GEORGE
What was that?

ALEX
(Entering)
Another?

ARTHUR
Jackals, scum. Ransom demands, asking, asking if we want to see Brooke again.
(Pause)
Listen to me. I'm sorry Alex.

ALEX
No. I'm . . . it's not you

ARTHUR

These are just crank calls, thieves, vultures.

ALEX

I'd pay anything to get him back.

ARTHUR

It isn't possible. There should be a law against this.

GEORGE

There is. It is called extortion. Are there many calls like this?

ALEX

Not so many.

ARTHUR

Too many.

ALEX

Thank you for your concerns, but that isn't why I requested your presence George.

GEORGE

Mr. Hart?

ALEX

That ransom, nothing would have been too high a price. But there never was a chance of that, I guess. Nettie won't believe he has been killed. Maybe she Well I have a hard time myself. I don't want to believe it. Maybe Nettie spoiled him. I suppose if I had been more strict . . . but I wanted him to have everything.

ARTHUR

You didn't spoil him. Brooke was a wonderful lad. Any father would have done

ALEX

I don't want to leave an avenue open for these kidnappers. If Brooke has been killed, I want to offer a reward for the discovery . . . we would like to see our son again, to at least give him a decent burial. It might be a terrible shock, but if Nettie could see him . . . five hundred dollars. Maybe it will encourage the people already looking. The police can decide who gets it.

NETTIE

(Enters in a semi-daze)

Brooke? Alex, is Brooke here? Brooke? I thought I heard him talking.

ALEX

No, he isn't here.

NETTIE

Are you hiding him from me? Where is he?

ALEX

Nettie, Nettie. He is gone. He was killed, Nettie.

NETTIE

No, it's not true. I would know if anything happened to him. I would feel it, but I don't feel anything.

ALEX

Come back to bed Nettie.

NETTIE

(Crying)

Oh, Alex, what is happening? I can't understand.

ALEX

It's going to be all right. Arthur, you have the statement; take care of the details.

(Leaves with Nettie)

ARTHUR

Here is the statement. If there are any changes needed, please go ahead.

GEORGE

(Reading it)

"A sincere and earnest desire to locate and recover the body . . . opinion--(writing) unanimous opinion law enforcement officers . . . large area to be covered . . . Help . . . beneficial, . . . stimulated, . . . reward for the recovery . . . Therefore . . . measure of appreciation . . . desire to offer a reward . . . five-hundred dollars . . . to one person or to a group of persons . . . the sheriff, chief of police and coroner." This is fine. I hope it helps.

(Pause)

She is taking it awfully hard.

ARTHUR

Yes, but Alex, even though he hasn't missed a day of work, I think it has hit him even worse.

GEORGE

Quite a guy.

ARTHUR

He is trying to hold it in; the work takes his mind off it all. But Nettie, well; and these crank calls don't help. One time she picked up the phone, heard someone say he's alive, and believes it.

GEORGE

Damn shame.

ARTHUR

I'm a quiet man, but I know I'd pull on that rope.

ACT II

Scene 15

EMIG's house. EMIG is alone.
Someone knocks on the door.

EMIG

(Moving to the door)
Evening Earle, come on in.
(HAMILTON enters)
Just relaxing.

HAMILTON

Alone?

EMIG

I have my thoughts. You want a drink?

HAMILTON

Bill, you're the toast of the town. You shouldn't be holed up here like this.

EMIG

Folks have a new hero every week; day or two more and it'll pass. Besides I am tired out.

HAMILTON

Well look Bill, Belle has a friend that wants to meet you. Her name is Pearl, Pearl James, a nice girl, new in the steno pool, a real sweet kid.

EMIG

I don't think so.

HAMILTON

We could all go to dinner together. Tomorrow is Friday, tomorrow night at Manny's. What do you say?

EMIG

I appreciate it Earle, but I'd rather not.

HAMILTON

Bill, I'm telling you she is a sweetheart. And we don't have to stay out late.

EMIG

Well, if I'm not too busy.

HAMILTON

That's great! Belle will be tickled. She worries about you.

EMIG

It's not definite yet. I'm glad you came over, though. I want to talk this out with you. It's got me stumped. Two men kidnap and murder a kid, a rich kid, and try a backwards ransom. They get caught, they sing and then, then something happens. One is repentant, it's stupid, and useless, but he is sorry. The other retracts his confession and denies everything.

HAMILTON

Yeah.

EMIG

Holmes was steering Thurmond; promised him what?

HAMILTON

Well, it might have been money, with two C notes in his pocket.

EMIG

That's true. For whatever reason, maybe just stupidity, Thurmond does all the dirty work: buys the concrete sinkers, mails the ransom notes, makes the phone calls and then he gets caught. Holmes kept himself all the way out, even wiped his prints off Hart's Studebaker. He had it all figured out.

HAMILTON

Until Thurmond turned him in.

EMIG

Yes, but he acts like nothing has gone wrong. And then this Menard turns up.

HAMILTON

His father mortgaged the tailoring shop.

EMIG

And raised all of a thousand dollars, most of which he spent hiring the young lawyer, with Phelan, Bud Stock; a good kid but not in Menard's class. No, it wasn't his father.

HAMILTON

Then who?

EMIG

Scott Simpson, an old school friend Ever heard of him?

HAMILTON

No.

EMIG

Neither have I, and I think I would know anyone around here who could pull ten thousand bucks out of a hat.

HAMILTON

So, it's a front.

EMIG

For who? And after taking Holmes as a client, he submits a change of venue. It's like he wants him lynched. He could stall this for a couple weeks and the hysteria would blow over.

HAMILTON

A cover up?

EMIG

I know it is. Somebody set up Holmes, just like Holmes set up Thurmond.

HAMILTON

Barceloni?

EMIG

Could be. First, Holmes owed him money; second the Hart boy welshed on his debts.

HAMILTON

But Barceloni never would have involved himself with kidnapping.

EMIG

Holmes may have had that idea on his own.

HAMILTON

If he has something, he might think Barceloni would take care of him.

EMIG

And if Holmes does, if he'll talk, maybe I can finally get at Barceloni's little empire.

HAMILTON

You are playing with dynamite partner. He has a lot of friends here, the mayor on up.

EMIG

I'd just like to see justice done.

HAMILTON

There is no such thing as justice.

EMIG

You are getting cynical, Hammer. That's not good for a police officer.

HAMILTON

Well look at this whole mess, the boy is dead, the parents, his, even Holmes and Thurmond's, their lives can never be the same. What could make it right? Not justice.

EMIG

Justice doesn't mean magic. You saw the Chaplin film, came out last year, City Lights. A tramp falls in love with this blind flower girl and can help her because a wacko rich guy gives him money when he gets drunk. When the tramp gets arrested for robbery, he takes the rap so she can get her eyes fixed, and it's funny because all the time she thinks he is some kind of a swell guy. Then, in the end, he turns out to be just a bum, but she doesn't drop him. Sure, sure, it's a fairy tale, but I'll tell you what gets me

When he gets out of jail, he looks like a real rag picker; the kids are giving him gas, and she sees it and has a good laugh; she even laughs when he sees her and does his dying swan bit. When she goes outside and gives him that flower though, and they touch; that is what gets me. She knows who he is, right then. Even if she gave him the bum's rush after that there would have been justice--just knowing the truth. That's all the justice I want, all I even hope for.

(Phone rings)

You can laugh if you want, but

(Answers phone)

Emig here. No, it's okay, Buff. What is it? What?! When are they going to do this? They've already left! All right. Hamilton is here with me; we'll be there in a few minutes.

(Hangs up)

Damn it, they're already moving them. They have an army escorting them and they'll be here in no time.

HAMILTON

Let's go.

EMIG

Don't forget your hat.

(Exit.)

ACT III

Scene 1

Police Station--jail cells. THURMOND and HOLMES. Their cells are apart from the area where police business goes on. THURMOND is on the first floor while HOLMES is on the second floor. Bars separate them from the audience. Crowd noise begins as a presence in these scenes.

POLICEMAN

(Enters with ROBERT THURMOND)

Half hour; be ready to go when time is up.

TOM

Rob?

R.J.

(THURMOND's brother, a minister)

Tom, how are you?

TOM

Bad. Can't sleep. Everybody hates me.

R.J.

How could you do it?

TOM

God, I don't know. I wish his father had been with him. I wish Jack never thought of it. I am sorry, I am.

R.J.

If you wanted money, why didn't you talk to me?

Portrait of a Victim

Holmes and Thurmond in a car, talking.

"All you have to do is follow along in my car till we can switch him over. Here, this is a down payment."

Close-up of Thurmond's hands and the money, about three hundred dollars.

"If you want, there's a chance we can even get more."

Close-up of Thurmond smiling.

TOM

It wasn't just money.

(Pause)

He had white hands, soft white hands. I wanted to be like him.

R.J.

Tom, you can't kidnap someone because they have white hands.

TOM

I know, I knew it, but I just did what Jack said to do.

(Pause)

You know what it's like. Look, these, they're always dirty. Rotten work. Fixing tractors, picking prunes. Raking up plums off the dirt, filling lugs, all bent over, hot, sweaty, dirty, getting all scratched up, and, hands so dirty and sticky you can't hardly spread your fingers. You didn't want to do it. You left home so you could get white hands. Think any girl would look at me, marry me with hands like these? What am I supposed to do?

R.J.

But why this?

TOM

I never thought about killing him. It was all, like a dream, like I had to do it, and it was happening and I couldn't do anything about it. Sometimes I can't believe it really happened. Robbie, what are they going to do? What's going to happen to me?

R.J.

You'll have to stand trial. The lawyer says there is a good chance to get off with prison.

TOM

They sure don't like me. How is Mom?

R.J.

She is pretty upset, worried. She wants to come to see you but it is pretty rough out there now.

TOM

I'm sorry, Mom, okay. You'll help me won't you?

T.J.

Yeah. Do you want to say a prayer?

R.J. and TOM (together)

"Our Father who art in Heaven, hallowed be thy name. Thy kingdom come, thy will be done, on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us, and lead us not into temptation, for thine is the power and glory, Amen."

R.J.

Father, we ask you to forgive Thomas his sins. He did wrong Father, a grievous wrong and he is truly sorry. Forgive him Lord and guide him to your light. Bring peace into his soul and watch over him. Let this be a lesson to him of your power.

GUARD

Okay preacher, time's up. Let's go.

R.J.

Amen. I'll come back later.

TOM

I don't want to die.

(Stays kneeling; light as if from stained glass)

GUARD

(As they exit)

You think he's insane?

R.J.

Well any man who'd do a thing like that would have to have something wrong with him, wouldn't he?

ACT II

Scene 2

HOLMES' cell. Same time as previous scene.

GUARD

Your partner is busy downstairs praying.

HOLMES

That won't do him any good. Sounds like they want a necktie party out there.

GUARD

Let's just say I wouldn't want to be in your shoes.

SECOND GUARD

Holmes, your father's here, wants to see you.

HOLMES

I won't see him. Tell him to go home.

FIRST GUARD

Tough guy, huh. Lemmee tell you Holmes, if you're lucky, you'll get tried and hung. If you aren't, you'll just get hung. If I was you, I'd say goodbye to my father.

HOLMES

If you were me, hah! You'd be licking assholes, just like Thurmond.

GUARD

There was a lynching in Texas this week, had a story with pictures and everything. Seems this nigger had attacked a white girl, raped her. Folks there built a stage and when they broke his ass out of jail they put him up there and let her family at him. Said they used corkscrews to rip hunks out of his flesh.

HOLMES

Sounds like a heck of a show. About your speed.

FIRST GUARD

Yeah, that's right wiseass. But I'm out here and you're in there.

HOLMES

For now.

FIRST GUARD

Read something else in the paper.

HOLMES

You mean someone read you the paper.

FIRST GUARD

About your wife. She said "she will stand by you."

HOLMES

What? My wife said that?

GUARD

Yeah, but I guess Stockton is about as close to you as she can stand.

HOLMES

(Laughing)

You ought to take a rest. Thinking these gags up must sap your strength. Don't worry, I might be here long enough for you to figure out another.

GUARD

Hey Jack, just between us, what did you do with the gun?

HOLMES

Find yourself a knothole and get splinters in your dick. I've talked too much already.

GUARD

Okay, okay. You'll be singing a different tune soon enough.

ACT II

Scene 3

HART Mansion. A bell rings several times. A woman, ADA, enters, opens the door.

ADA

Yes? Oh, Mrs. Painton.

PAINTON

Hello Ada. I just thought I'd stop by and offer Nettie my condolences. The paper said she had a break, that she was quite ill.

ADA

She is doing much better.

PAINTON

Is there anything I could do? This is such a tragedy.

ADA

No, we are taking care of her. She just needs rest.

PAINTON

Well, here is my card. Please tell her all the ladies of the bridge club are just devastated. We think of her daily.

ADA

Yes, I will. Thank you so much for stopping by.

(She closes the door and adds the visiting card to a heap on the side table)

Ghoulish busybody!

(She turns to leave, but there is a knock on the door. She opens it.)

Yes?

MRS. THURMOND

I'd like to speak with Mrs. Hart, please.

ADA

Mrs. Hart is indisposed. If you'd like to leave a message, I'll make sure she receives it.

MRS. THURMOND

Oh. I thought she'd be feeling poorly; can I see her?

ADA

No you can't see her.

MRS. THURMOND

But I have to talk to her. Please, it's very important.

MRS. HART

(Entering at top of stairs)

What is it, Ada?

ADA

This woman insists on seeing you.

MRS. HART

I'm sorry. We are not looking for a domestic.

MRS. THURMOND

Mrs. Hart? Oh, I'm not here for work. I wanted to tell you how sorry I am about your boy. It's a terrible thing what's happened and it's hard on a mother. The way it's gone, I hoped you might understand if I came and talked to you about my boy.

MRS. HART

Your son? I'm afraid I don't understand.

MRS. THURMOND

My Tom's in jail and folk is talking about lynching and I

MRS. HART

Your son?

ADA

What?

MRS. THURMOND

Yes, ma'am. I figured if you spoke out, then folks might settle down.

MRS. HART

One of the kidnappers? Of my son?

ADA

Of all the nerve! After what happened?

MRS. THURMOND

I know how the folks been saying he did them things, but my Tom's a good boy. He's simple, but he'd never do like that.

ADA

(Pulling at her)

You get out of here, now!

MRS. THURMOND

(To ADA)

No, let go.

(To MRS. HART)

Please, I know how you must feel, but them's lies. If he could just get a fair trial. This lynch talk

MRS. HART

Fair? Is it fair what he did to my son? My son, my son, Brooke is dead. Oh, Ada, Brooke is dead.

ADA

If you don't get out now I'll call the police. Barging in here like this. Roy! Roy!

MRS. THURMOND

As a mother to a mother; I'm only asking for justice.

MRS. HART

Justice? Justice? My son is dead. You come here to ask mercy, not justice. A life for a life. That's justice.

MRS. THURMOND

No, you can't mean

MRS. HART

Tied him up. Hit him. Get out of here you, you . . . Out, get out of my house.

ADA

Nettie, please be calm. Why won't you leave? Can't you see. Go away!

MRS. THURMOND

But he is my son.

MRS. HART

My son was beautiful, my child. When shall I see him again? Where is he now? Where?

ADA

How could you be so thoughtless? Oh, look what you've done.

MRS. THURMOND

(Leaving ADA to console NETTIE)

I'm sorry. I'm so sorry.

MRS. HART

I hope they do hang him, yes hang him! Then you'll understand how I feel. I hope they hang him!

ADA

Nettie, shh Nettie.

ACT IIIScene 4

Sunday afternoon--the Bar--much more crowded now. The radio is on throughout the scene; conversations in different parts of the room go on simultaneously.

(Radio [at first low] music, one last song from the religious organ music hour that lasts perhaps thirty seconds, and then the station continues with news.) It's time for the Sunday edition of the local opinion; Jack Walker here and you are listening to Radio KQW serving the San Francisco Bay Area. Today's top news story is the discovery early this morning of the body of kidnap and murder victim, Brooke Hart. A ten-day search for the body of Brooke ended this morning. H.E. Stephen and L.L. Dalve, both of Redwood City, found the body in the marshes while duck hunting. Mr. Gossling, Hart store manager and Louis A. Rossi, identified the body. In one of the most brutal and atrocious crimes on record, young Hart was snatched after leaving work almost two weeks ago. This latest development will surely hasten the end of the two friends who ruthlessly destroyed the future hopes of the HART family. Angry citizens have been waiting for final proof ever since the kidnappers were captured; well now you have it. There is no excuse, no reason to wait for any kind of judicial proceeding. This morning I found an editorial I'd like to share with you on this very subject. "The Disintegration of Character.

"Two young men reared in good families have committed in cold blood one of the most shocking murders in the annals of crime. Nothing in their previous behavior indicated they had become gangsters. One even had a wife and two children.

"The change from a moral consciousness to utter depravity does not occur overnight. The explanation of their hideous crime lies in their secret inner life. Something was disintegrating their moral character. What that inner history was we do not know. But bits of information afford a clue. They were seen at notorious bootleg and gambling resorts. And a rumor has it that one was forced to pay tribute to an underworld character to avoid exposure for a different offense.

"The history of all gangsters is the same. They begin with underworld entertainment. While some of the upper world can mingle occasionally in underworld society without becoming a part of it, others cannot. The lure is so strong they break with respectable society and make crime a vocation and an advocacy. The confessions of the two young men shows us that the deliberately planned murder was a fascinating adventure to them. It is high time for the American people to take a stand against organized crime. We need to make a searching inquiry to determine what it is in our environment that attracts our youth to the underworld paths that lead to destruction.

"I don't know how people get these ideas. These aren't 'young men' from 'good families.' This kind of namby pamby whitewash makes these murderers, these coldblooded merciless killers sound like victims. Let me tell you there's only one victim in this story, Brooke Hart. These two young men--they are 27 and 29. That's not young in my book. And I can't think of any good families whose sons would behave like this. That's what I think anyway, and if you agree with me, I'll see you tonight. I'm sure you know where. This has been Jack Walker with KQW. Now it's time for "Melody Land" with the Dixieland Barbershop Quartet."

(Music continues throughout scene)

(At a table.)

PERSON 1

It was something to hear, a minister in the pulpit announce how there is to be a hanging.

PERSON 2

No one in on this will have to worry about the law, not with the whole town behind it.

PERSON 5

I'm not.

PERSON 3

What does that mean?

PERSON 5

I'd like to enjoy a drink without listening to bloody rumors.

PERSON 4

If you aren't with us, you're against us.

PERSON 5

This is a bar, ain't it? Not a courthouse.

PERSON 3

If you aren't looking for a fight, you do your drinking someplace else.
(General assent)

PERSON 5

Okay, okay, I'm going. For Christ's sake.
(Exit)

PERSON 4

Ennis has got a yellow streak wide as my hand.

PERSON 3

Any man with grit wants to be in on this.

PERSON 1

At the Lions Club meeting Friday Emig sure sounded set against it.

PERSON 2

Hell, he had to say all that. Besides, there are plenty of police who will be happy to open the doors for us.

PERSON 4

Well we can't count on that. We'll have to smash them out of the jail somehow.

PERSON 1

There's a pile of eight inch water pipe where they are building the new post office.

PERSON 4

You bet, we can open the doors with that quick enough. Good thinking.

PERSON 2

(To PERSON 3)

Besides we'll be saving the county money. Trial like that runs up an hellacious bill.

PERSON 4

I'll go tell the crowd over at the Sainte Claire about the pipe idea.

PERSON 3

Ask them what time they figure on starting.

(PERSON 4 exits.)

PERSON 1

Those are two lucky guys, finding Brooke Hart.

PERSON 3

Two hundred and fifty dollars apiece!

PERSON 1

What would you do with it?

PERSON 3

I'd pick up the Plymouth four door at the Market Street car lot! Sweet little machine.

PERSON 2

I'd take the wife to Hawaii on the Lurline. On second thought, I'd just take myself. I hear those island girls are awful forward.

PERSON 1

Yeah, no sense in getting Emma upset.

PERSON 2

That's right. A man needs a little elbow room now and again. What about you?

PERSON 1

Me, hell, I'd buy a new coat, one of these deluxe overcoats with fur trim in Hart's window.

(At the bar.)

PERSON A

I don't know why we had to wait so damn long. We could have taken care of them four or five days ago.

PERSON B

Not without proof. Suppose Brooke hadn't even been killed.

PERSON A

That's an asinine thing to suppose. They confessed.

PERSON B

Well it won't hurt to be sure.

(Pause)

Nash took a whale of a beating didn't he. I thought that sixth round knock down was the finish.

PERSON A

Ah, he's tough. Steel took him to the limit though. After that fight, I won't be betting Garrison against Battalia.

PERSON B

He won't be able to fight for a month or two anyway, but he'll come back.

PERSON A

Ain't it funny how they couldn't find his body till his pop set up the reward.

PERSON B

Just lucky.

PERSON C

(Enters and sits next to them)

Hello, gentlemen. Say perhaps you can help me.

PERSON A

How's that?

PERSON C

I heard a rumor that the lynching will be orchestrated from a bar very much like this one.

PERSON B

What's it to you?

PERSON C

No need for alarm. I merely wanted to include myself in the festivities.

PERSON A

Are you a reporter?

PERSON C

Not at all, only a common merchant with an interest in humanity. Would you have a drink with me? Bartender, three beers, and if you could furnish shots to keep them company, I'd be in your debt.

BARTENDER

I can take care of my friends.
(Setting them up)

PERSON C

Thank you kindly. Gentlemen,
(They raise glasses)
to justice.

PERSON A

Well, this is the place. But the time isn't set.

PERSON C

Would you care for a cigar while we pass the time? Hand rolled Cubans. Rolled on a woman's thigh I've been told.

PERSON B

Smells fine.

PERSON C

Big breasted women, their dresses slit to the hip, the leg turned out with the thigh like a bench. Check 'em carefully gentlemen. You might find a hair.

PERSON A

I'd like to give them a ceegar to roll.

PERSON C

(Laughs)
Common sentiment I assure you.

(At another table.)

PERSON X

Regular Sunday outing in the park; folks having picnics for Goddsake. I can't think what kind of a damn fool would bring women and children to a hanging.

PERSON Y

It'll be easier. No one could stop a crowd this size.

PERSON Z

(Coming in and sitting)

Bartender, give me a shot of whiskey.

PERSON X

They aren't going to do anything but watch. Brick walls don't fall down with a huff and a puff.

PERSON Y

Are you all right Jack? You look a little green.

PERSON Z

I just saw Brooke Hart.

(Others listen)

He is being cleaned up at Williams' mortuary.

PERSON Y

How did he look?

PERSON Z

That's a stupid question. He's been in the bay a week and a half.

(Pause)

Those weights held him down. I haven't seen anything to match it.

PERSON Y

The Epstein boy who fell into the outhouse drunk?

PERSON Z

No! They can't do anything to make him look better. The crabs ate damn near all the meat off his bones, all but what his pants covered. Just picked him apart.

PERSON Y

Jesus Christ! How could they even tell it was him?

PERSON Z

Hart's dentist identified him.

PERSON X

Those two just earned their trip.

PERSON Z

No question. There won't be any legal mumbo jumbo to protect them.

PERSON Y

With the body, the sheriff locked the case.

PERSON Z

That's not the point. They need to learn their lesson. When they are scared, begging for their lives like Brooke was, that's when they'll die. They made a big mistake; from here out I'm working for free.

PERSON X

No changes?

PERSON Z

Just like we planned it.

PERSON Y

I got a rope in my trunk. Vincent will knock out the lights soon as it gets dark.

PERSON X

Everybody else is in place already.

PERSON Z

All we need is the time; at the same time right. No foul-ups.

PERSON Y

This thing is running itself--it can't be stopped.

PERSON C

(To the room)

Well, what are we waiting for?

ACT III

Scene 5

Jail. The crowd sound now is very loud, only slightly muffled. The thump of bricks and rocks against the walls, and an occasional individual voice, a hostile cry, can be heard. We can see both HOLMES and THURMOND in their cells and EMIG is on the phone as the scene opens.

EMIG

(Yelling into phone over background)

Chief William Emig, County Sheriff, here. Look, we have a crisis on our hands. Must be ten thousand people out there getting ready for a try at the jail. Never seen anything like it.

(Pause)

We backed them up with tear gas but I don't know how long we can hold them.

(Pause)

Men--as many as you can spare, and more tear gas shells.

(Pause)

We'll try, but every minute is critical.

(Also a bullhorn--"Stay back")

POLICEMAN 1

(At second floor)

Sheriff! They are rolling the trucks out of the way.

EMIG

Another round of tear gas then. Buffington, no one goes out the main door; make sure it stays locked.

(Sound of the guns that fire tear gas shells.)

POLICEMAN 1

That's the last of the gas.

POLICEMAN 2

It's okay; they are moving back.

EMIG

(On phone again)

Yes, ring me the fire department, Sheriff Emig, emergency Hello? This is Sheriff Emig, county jail. I need a couple of pump wagons over here. . . . I don't care if the roads are full of cars, drive across the park, use the sidewalk. . . . I want

EMIG (Cont.)

to use the fire hoses to back this crowd up. . . . It's better than shooting them. . . . I'm authorizing you for Christ's sake. . . . Well then where is the chief?--Call him, do whatever you have to do, but get a truck over here fast.

(Hangs up)

Damn it!

POLICEMAN 2

Do you want us to fire on the crowd?

EMIG

There are women and children out there; you can't shoot into them.

POLICEMAN 3

Man at the back door.

POLICEMAN 4

It's Felix; let him in.

FELIX

(Coming in--wild)

They're going crazy out there. Everyone is saying "eleven o'clock," the lynching will be at eleven.

(Someone bursts into the theater and yells out: "Hey, everybody, they are going to hang Holmes and Thurmond in the park. Right now.")

POLICEMAN 1

Someone is shooting out streetlights.

EMIG

It won't be long then. I want to thank you men for coming down here tonight. Many a man chose not to be here. I never thought when I swore my oath, you probably never thought, we'd be in a situation like this, trying to save the lives of a pair of criminals so that they can come to trial.

It's not a question of guilt or innocence; that has nothing to do with us. We are sworn to uphold the laws of the United States, and according to the law every man is entitled to a fair trial. That means the men in this jail. No lynch law, no mob justice can give them their rights.

We won't have to stand them off long; San Francisco and Alameda counties are sending reinforcements. It will only be an hour or so before they arrive. Don't let the madness out there get on your nerves. You are all good men. I don't think they'll be able to break into the jail, but if they do, they have broken the law.

(Window breaks--outside noise is louder)

(EMIG continues, shouting now)

EMIG (Cont.)

I have friends out there, we all do. We can't let them commit murder, but we can't shoot them either. I want all guns put into the arsenal now! Howard, make sure they get locked up.

(At this point yells from offstage are clear over the crowd noise. While the police wait for the last attack, lights slowly go down. At the same time we hear the battering ram against the jail door.) Voices:

Why waste time?

They are guilty. They gotta hang.

Bring 'em out Emig!

We'll give them justice.

Lot of votes in this crowd Emig!

You gutless bastard.

Let's get them, treat them right.

Brookie! Brookie Hart!

There's a rope here for you Holmes!

(The door smashes open. To suggest a crowd, a large painted drop is used as a backdrop to a few men.)

EMIG

Hold the stairs men!

(At this point a club descends on his head and he collapses)

(Now it is almost totally dark, the lights coming from flashlights carried by the members of the mob.)

VOICES

Where are the keys? Where are they?

BUFFINGTON

Take them, here. But get the right men boys. For God's sake get the right men.

VOICE

I found Thurmond. Here he is!

THURMOND

(Crying)
No, please God, I beg you. I didn't mean to do

VOICE

Shut
up! (A grunt and sound of a blow)

VOICE 2

Lord, we ask your forgiveness as we bring justice to this murderer. Look with favor upon our actions as we strive to do your will. Amen.

OTHER VOICES

(Repeat)
Amen.

VOICE

Okay, let's get him out of here.
(THURMOND is dragged, a limp weight, off stage)
Where is Holmes?

VOICE

Here he is! He is up here.

(Men shine lights into HOLMES' cell.)

HOLMES

I'm not Holmes. He is in that cell.

VOICE

By God you are.
(Coming forward to punch HOLMES)

HOLMES

Don't string me up, boys. Please, no.

(Inarticulate sounds as HOLMES fights against the men who drag him out and offstage. The noise of the crowd dims. On one side of the stage a spotlight comes up on BROOKE, HOLMES and THURMOND.)

BROOKE

Why are you doing this? I swear I won't tell the police anything. Just let me go. I could pay you five thousand dollars apiece.

HOLMES

Five gees. Hear that Tom, he wants to give us five thousand dollars, a piece.

BROOKE

I've never done anything to you.

HOLMES

Where would we collect that money? In jail? That'd be a nice trick.

TOM

You trying to trap us.

(Slaps him)

Tricky bastard. Rich shit. I hate people like you.

HOLMES

He's tied up good?

BROOKE

No, I mean it.

THURMOND

Yeah.

BROOKE

Wait, wait. No tricks, I promise. I know we could work something out.

HOLMES

(Crossing to him with a revolver)

We can't wait all night.

BROOKE

(To his knees)

Please don't kill me, please don't do this.

HOLMES

(Slapping him with the pistol)

Shut the fuck up.

BROOKE

(Trying to avoid the blows)

Help! Murder, help.

THURMOND

(Holding him; then HOLMES clubs him)

Be quiet.

HOLMES

That should shut him up. Come on.

(They lift him and then roll him over a railing)

Let's get out of here.

(They exit. Then we hear a muffled cry for help. Blackout. We can see the flashlights of the men who are tying up THURMOND and HOLMES. First Thurmond and then HOLMES are pulled to the side of the theater in front of the stage.)

HOLMES

Please boys, don't kill me.

(As the second body is raised the noise of the crowd becomes audible, rising in volume to an uncomfortable level and then fading.)

VOICE

How does that feel, huh? How do you like it?

(The bodies remain till after the show.)

ACT II

Scene 6

Hospital. EMIG is sitting up in bed when HAMILTON enters.

HAMILTON

Hello William. How are you feeling?

EMIG

I'm fine, except I see things fuzzy, can't quite focus somehow.

HAMILTON

Belle asked me to say hello.

EMIG

Thanks. . . .

HAMILTON

I hope you get up and around soon; you needed a rest, but everybody misses you at the station.

EMIG

Yeah.

HAMILTON

Funny thing, they had the Hart and Holmes and Thurmond funerals on the same day, even the same graveyard. Strange how it all tied in.

EMIG

(Holds up newspaper)

Yeah. Could you read me this article?

HAMILTON

This one on Rolph?

EMIG

Yeah.

HAMILTON

Let's see. "Rolph Praises Lynchers' Deed, Pledges Pardons." 'That was a fine lesson to the whole nation,' Governor Rolph said. 'There will be less kidnapping in the country now. They made a good job of it.'

"The governor had postponed his trip to Boise, Idaho to attend a conference, not for the purpose of being on hand to call out troops but to prevent it.

HAMILTON (Cont.)

"If I had gone away, someone would have called out the troops on me. I promised in Los Angeles I wouldn't do that. The people make the laws don't they?" he asked. 'Well, if the people have confidence that troops will not be called out to mow them down when they seek to protect themselves against kidnappers, there is liable to be swifter justice and fewer kidnappings.

"I don't think they will arrest anyone for the lynching,' the governor continued. 'And if anyone is arrested for the good job I'll pardon them all. I hope this lesson serves in every state of the union."

EMIG

That's it then.

HAMILTON

No, he goes on: "I am checking San Quentin and Folsom prisons to find out what kidnappers they have,' he said. 'I am thinking of paroling them to those find patriotic citizens of San Jose who know how to handle such a situation."

EMIG

That's enough. Christ, what an ass.

HAMILTON

Most people feel the same way.

EMIG

Yeah. Maybe it's true. Maybe most people like being ignorant.

HAMILTON

Now you're the one that sounds cynical, Sheriff.

EMIG

I knew the odds. Figured Buff was on the payroll so I had my eye on him; he was at the main desk just before the lights went out, when I got hit.

HAMILTON

Yeah, well it was pretty hectic right then.

EMIG

I've gone over it again and again, but I can't think of but one person behind me.

(Pause)

You'll forgive me for not showing you out.

(EMIG lies down, turning his back to HAMILTON and the audience.
Lights go down as HAMILTON exits.)

ACT III

Scene 7

The street by the park. Sound of breaking glass offstage with a drop in light level. Again. Mrs. Thurmond comes on stage.

MRS. THURMOND

(Throwing a stone)

Break. Break, damn it. They want darkness, let's have darkness. Go on, break.

(Hits street light)

There.

ROBERT

Mom! Mom, they just fixed these. You can't break all these lights.

MRS. THURMOND

Let me go.

ROBERT

The police will come. Please, Mom.

MRS. THURMOND

They killed my Tom.

ROBERT

I know.

MRS. THURMOND

Oh, Robert, it's Tom, it's my baby.

(Crying)

He's dead.

ROBERT

Yeah, I know. They killed Tom. Come on, Mom, let's go home.

(Exit)

ACT III

Scene 8

AFTERWARD

PERSON 1

It's not like people wanted to; sometimes there's nothing else to do.

PERSON 2

We did what we had to do. I mean, the people that were there did. My mother didn't want me to go but it was like I had to. A friend and I drove around the park; the bodies were just hanging there, dead.

PERSON 3

It was right, no different than a dog that's had the taste of blood. It gets to killing livestock, pulling down calves and such. Well you got to take it out and shoot it. It's the neighborly thing to do.

PERSON 4

Maybe it was political. There were a lot of votes in the crowd, and of course they couldn't ignore that.

PERSON 1

I was fourteen that night. I was in the park the whole time selling rocks, three for a penny. Had dreams about it later, sure, but it wasn't so terrible.

PERSON 2

One of my friends saw it all. She had been dancing at Balconades and went out to the park dressed all up. Saw Holmes dragged out and all. She said it was so thrilling. But disgraceful too, I mean, those men didn't have any pants on, and in a hanging; well, it wasn't a fit sight for a woman.

PERSON 3

We were all in when it was done, like how when you've worked all day, your muscles can't forget. I could feel the rope in my hands all night long. It was a good night's work.

PERSON 1

I got a piece of the tree they hung them on. A friend of mine climbed way up with a saw and cut pieces for souvenirs. Everybody wanted something to remember.

PERSON 4

I guess it's like this. You're out hunting and you scare up a deer. It's like that. You shoot at it, you run and chase it, and shoot at it, and you are all excited, and then you come up to it. Dead on the ground. The excitement sort of goes away; it doesn't matter if you are going to use the meat or not, the hunting feeling is gone,

PERSON 4 (Cont.)

and that always makes folks embarrassed. It was like a hunting excitement. But it wasn't wrong. We had to do it.

PERSON 1

We had to do it.

ALL

Yes, we had to do it.

(They walk off stage as they say this.)

CURTAIN